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TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

WARNING OR CAUTION STATEMENTS FOR AGRICULTURAL DUSTS AND SPRAYS CONTAINING 2,4-DICHLOROPHENOXYACETIC ACID OR ITS SALTS OR ESTERS (2,4-D)

Interpretation No. 2. Section 162.6 of the regulations issued under the Federal Insecticide, Fungicide, and Rodenticide Act provides, among other things, that the label of every economic poison must contain a warning or caution statement when necessary to prevent injury to living man and other vertebrate animals, useful vegetation and useful invertebrate animals.

Section 162.9 provides in part that the warning or caution statement must appear on the label in a place sufficiently prominent to warn the user, and must state clearly and in non-technical language the particular hazard involved in the use of the economic poison and the precautions to be taken to avoid accident, injury; or damage.

Preparations containing 2,4-dichlorophenoxyacetic acid or its salts or esters, commonly known as 2,4-D, when used as selective weed killers have been found under certain conditions to cause damage to valuable crops and other susceptible plants. Dusts may drift for miles and injure plants at long distances from the place of application. Sprays, if very fine, may also drift for considerable distances. (Experience has shown that coarse sprays can be used without undue hazard to nearby plants.) The esters, in addition, have a hazard due to their volatility. The volatile material may kill susceptible plants in the immediate vicinity of the place of application or storage. There is also possibility of damage to plants by contamination of seeds, fertilizers, insecticides, or fungicides, or from use of improperly cleaned dusting or spraying apparatus in spraying or dusting operations on susceptible plants.

In view of the hazards involved in the use of such products, to comply with the provisions of section 2u (2) (d) of the Federal Insecticide, Fungicide, and Rodenticide Act, and §§ 162.6 and 162.9 of the regulations issued thereunder, it will be necessary for herbicidal agricultural dusts or sprays dependent primarily upon 2,4-dichlorophenoxyacetic acid, its salts or esters, to bear proper warning or caution statements to avoid injury to vegetation. The following statements are considered acceptable for the usual types of materials when intended for normal usages.

For agricultural dusts containing 2,4-dichlorophenoxyacetic acid or its salts or esters:

Caution: Before using, consult agricultural authorities in your State. This dust may drift for miles, even on quiet days, and cause damage to susceptible plants such as cotton, beans, peas, etc. Use only where there is no hazard of drift. Do not store near fertilizers, seeds, insecticides or fungicides. After use of this dust, do not use same equipment for insecticides or fungicides (or give directions for cleaning the equipment).

For agricultural spray materials containing 2,4-dichlorophenoxyacetic acid or its salts or esters:

Caution: Avoid spray drift to susceptible plants as this product may injure cotton, beans, peas, ornamentals, etc. (Coarse sprays are less likely to drift.) Thoroughly clean spray equipment with a suitable chemical cleaner before using for other purposes (or do not use same spray equipment for other purposes). Do not store near fertilizers, seeds, insecticides, or fungicides.

In addition to the above cautions, preparations containing the esters should bear a warning against the hazards due to their vapors, such as:

"Vapors from this product may injure susceptible plants in the immediate vicinity."

The exact wording of these cautions is not to be considered as mandatory. Other wording which is equally informative and which covers all of the same warnings equally effectively may be used. Furthermore, this is not to be considered as exempting a manufacturer from the use of additional cautions or warnings if they are necessary by reason of the special composition of the product, special uses for which it is intended, or any other circumstance.

The warning or caution statement must appear prominently, not crowded with other reading matter, and in type

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

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which will render it likely to be read and understood by the ordinary individual.

This statement applies only to agricultural sprays and dusts. Packages for small usage or for other large usages may require different labeling.

Issued this 24th day of February 1948.

[SEAL] H. E. REED,
Director Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 48-1743; Filed, Feb. 27, 1948; 8:57 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch)

[General Sugar Reg., Amdt. 1 to Series 3, No. 2]

PART 801—GENERAL SUGAR REGULATIONS

ADMINISTRATION OF SUGAR QUOTAS

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (Public Law 388, 80th Congress) and the Administrative Procedure Act (60 Stat. 237) General Sugar Regulations, Series 3, No. 2 (13 F. R. 127) are hereby amended as hereinafter set forth.

Basis and purpose. The amendments herein are issued pursuant to the Sugar Act of 1948 (Public Law 388, 80th Congress) and deal generally with the administration of the sugar quota system

provided by that act. Except for the addition of a new paragraph to § 801.62 (as redesignated herein) of Subpart B and some additional requirements relating to records and reports, the amendments to Subparts A, B, and C are made for the purpose of clarifying existing regulations. The purpose of the new paragraph relating to proof of exportation is to require exporters of sugar entered under bond to furnish periodic reports as to exportations and thereby enable the Department more effectively to administer and enforce the regulations. Section 801.65 (as redesignated herein) of Subpart B, dealing with records and reports, has been changed to require the keeping of records for a period of two years after exportation and to permit the inspection of such records by authorized officials of the Department. Notice of proposed amendments to Subparts A, B, and C was given (13 F. R. 504) and no written expression of views was received.

The regulations are also amended under the authority of the Sugar Act of 1948 by the inclusion of a new Subpart D for the purpose of defining what shall constitute a marketing of sugar under the provisions of that act. Notice that the Secretary proposed to issue such a regulation was given (12 F. R. 8409) and no written expression of views was received.

The amendments made herein are deemed essential to the effective administration of sugar quotas and are presently needed in connection with quotas now in effect. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act is impracticable and contrary to the public interest and, consequently, these amendments shall become effective on the date of publication in the FEDERAL REGISTER.

General Sugar Regulations, Series 3, No. 2 (13 F. R. 127) are hereby amended as follows:

1. Sections 801.1, 801.2, and 801.3 of Subpart A are redesignated §§ 801.51, 801.52, and 801.53, respectively.

2. Section 801.51 of Subpart A is amended (1) by changing paragraph (e) to read:

§ 801.51 *Definitions.* * * *

(e) The term "quota" means any quota or proration thereof fixed by the Secretary pursuant to the act.

and (2) by changing paragraph (f) to read:

(f) The term "allotment" means any allotment of any quota made by the Secretary pursuant to section 205 (a) of the act.

3. Section 801.52 of Subpart A is amended (1) by changing paragraph (a) to read:

§ 801.52 *Entry of sugar into the continental United States.* (a) All persons are hereby forbidden from bringing or importing into the continental United States sugar or liquid sugar produced in any area outside of the continental United States, except through customs ports of entry. The collectors of customs shall not permit any such sugar or liquid sugar to enter the continental United States unless and until (1) an application for such entry (Form SU-3) is filed by the consignee setting forth the following information: (i) The area in which such sugar or liquid sugar was produced, (ii) the port of entry, (iii) the name of the vessel and the port and the date of departure, (iv) the names of the consignor, consignee, shipper, and owner, (v) the kind or type and identification marks of such sugar or liquid sugar, (vi) the purpose for which such sugar or liquid sugar is brought into the continental United States, to wit, whether such sugar or liquid sugar is for consumption in or export from the continental United States and whether it is to be further refined or otherwise improved in quality before consumption or export, or whether such sugar in liquid form is to be further refined or improved in quality to produce sugar principally of crystalline structure, (vii) the allotment, if any, under which such sugar or liquid sugar is being brought or imported into the continental United States, and (viii) the polarization and the weight of such sugar and the total sugar content and quantity of such liquid sugar; and (2) the Secretary certifies to the collector of customs that such sugar or liquid sugar is within the applicable quota or allotment established by the Secretary for the area in which such sugar was produced: *Provided, however* That except as specified below, such certification shall not be required as to any quota or portion thereof until the Director or Acting Director of the Sugar Branch, Production and Marketing Administration, of the Department determines that such quota or portion thereof is filled to the extent that certification is required to maintain effective quota control and after publication of such determination in the FEDERAL REGISTER such certification shall be required for the remainder of the applicable calendar year. Such certification shall be required at all times with respect to (i) sugar imported from any foreign country other than Cuba and the Republic of the Philippines, (ii) sugar or liquid sugar from the Virgin Islands, (iii) direct-consumption sugar from Hawaii or from Puerto Rico, (iv) any sugar or liquid sugar imported or brought into the continental United States under the exemptions specified in section 212 of the act, (v) any sugar in liquid form which is imported or brought into the continental United States to be further refined or improved in quality to produce sugar principally of crystalline structure, and (vi) liquid sugar imported into the continental United States under section 203 of the act.

and (2) by changing the third sentence of paragraph (b) to read: "The certification shall be valid for the number of days specified thereon but not exceeding 60 days (subject to extension by the Secretary for good cause) and shall be subject to cancelation only if the Secretary determines that it has been mistakenly issued, that the person requesting it has made a material misrepresentation in connection therewith, or that the person to whom it has been issued will be unable to bring or import the sugar or liquid sugar into the continental United States during the period specified thereon."

4. Sections 801.10, 801.11, 801.12, 801.13, 801.14, and 801.15 of Subpart B are redesignated §§ 801.61, 801.62, 801.63, 801.64, 801.65, and 801.66, respectively.

5. Section 801.61 of Subpart B is amended (1) by changing paragraph (e) to read:

§ 801.61 *Definitions.* * * *

(e) The term "quota" means any quota or proration thereof fixed by the Secretary pursuant to the act.

and (2) by changing paragraph (f) to read:

(f) The term "allotment" means any allotment of any quota made by the Secretary pursuant to section 205 (a) of the act.

6. Section 801.62 of Subpart B is amended by adding a new paragraph (e) as follows:

§ 801.62 *Importing sugar or liquid sugar exquota by furnishing bond.* * * *

(e) *Proof of exportation.* Exportations made for the purpose of compliance with a condition of a bond given under this section shall be reported to the Sugar Branch, Production and Marketing Administration, of the Department within the first ten days of each calendar month. Such report shall be made by the person furnishing such bond, and shall cover the exportations of such sugar or liquid sugar on which drawback was allowed during the preceding calendar month. The report shall show the number of the bond to which the exportation is to be applied and the following information: (1) With respect to the exported sugar or liquid sugar, (i) the date of exportation, (ii) the quantity of sugar or liquid sugar exported, and (iii) the polarization of the sugar or the total sugar content of the liquid sugar; and (2) with respect to the imported sugar or liquid sugar on which drawback was allowed, (i) the port of entry, (ii) the date of entry or withdrawal, (iii) the entry or withdrawal number, (iv) the country of origin, (v) the quantity of the sugar or liquid sugar on which drawback was allowed, and (vi) the polarization of the sugar or the total sugar content of the liquid sugar. The first such report shall be made during the first ten days of March 1948 and shall cover all exportations of such sugar or liquid sugar on which drawback was allowed during January and February 1948. The provisions of this paragraph shall be in addition to such other proof of exportation as the Secretary may require, but nothing herein shall be deemed to preclude the cancellation of a bond after the exportation of the sugar or liquid sugar as such and before drawback is allowed if satisfactory proof of such exportation is furnished to the Sugar Branch, Production and Marketing Administration, of the Department.

7. Section 801.63 of Subpart B is amended to read:

§ 801.63 *Charging of quota upon forfeiture of bond.* Upon the forfeiture of any bond or security given pursuant to § 801.62, the quota for the country or area in which such sugar or liquid sugar originated and the allotment to which

it would be chargeable if brought in or imported at the time of forfeiture shall be charged as of the time of forfeiture with the amount of such sugar or liquid sugar, and to the extent that such sugar or liquid sugar exceeds the quota of such country or area, or the chargeable allotment, the forfeiture of the bond shall constitute a violation of the quota or allotment regulations or orders issued under the act, and the person who has furnished such bond shall pay to the United States, a sum equal to three times the market value of such excess sugar or liquid sugar at the time of such forfeiture.

8. Section 801.64 of Subpart B is amended to read:

§ 801.64 *Credits upon exportation of sugar or liquid sugar* If any sugar or liquid sugar is imported from any country for consumption in the continental United States and such sugar or liquid sugar in original or processed form, or an equivalent amount of sugar or liquid sugar, is exported from the continental United States and not used for consumption therein, or such sugar or liquid sugar is exported with benefit of drawback, or a claim or claims for drawback is or are allowed upon the basis of a designation of the imported sugar or liquid sugar, the amount of sugar or liquid sugar so exported shall, as of the date of exportation, be credited to the current quota unless such exportation is in compliance with a condition of a bond issued pursuant to § 801.62 (b)

9. Section 801.65 of Subpart B is amended to read:

§ 801.65 *Records and reports.* The Commissioner or Acting Commissioner of Customs and the Director or Acting Director of the Sugar Branch, Production and Marketing Administration of the Department, shall each be entitled to obtain such information from, and require such reports and the keeping of such records by, any person as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of the regulations in this subpart, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Each person furnishing a bond under § 801.62 shall keep and preserve for a period of not less than two years from the date of exportation of the sugar or liquid sugar covered by such bond, accurate records of his transactions in such sugar or liquid sugar. The Director or Acting Director of the said Sugar Branch shall be entitled to inspect such records at such times and to such extent as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this subpart.

10. Sections 801.41, 801.42, 801.43, 801.44, and 801.45 of Subpart C are redesignated §§ 801.71, 801.72, 801.73, 801.74, and 801.75, respectively.

11. The paragraph entitled "Rescission of prior regulations" following § 801.75 of Subpart C is amended to read:

Rescission of prior regulations. Sections 801.51 to 801.53, inclusive, shall supersede General Sugar Regulations, Series 2, No. 1, Revised, issued July 12, 1941 (7 CFR, Cum. Supp., 801.1) Sections 801.61 to 801.66, inclusive, shall supersede General Sugar Regulations, Series 2, No. 3, issued September 29, 1937 (7 CFR 801.10–801.15) Sections 801.71 to 801.75, inclusive, shall supersede General Sugar Regulations, Series 2, No. 5, Revised, issued December 18, 1940 (7 CFR, Cum. Supp., 801.41–801.45)

12. A new Subpart D is added as follows:

SUBPART D—MARKETING OF SUGAR

§ 801.81 *Definition of marketing.* (a) A marketing of sugar shall be deemed to have occurred when delivery of the sugar is made against a bona fide sales contract.

(b) The following shall be deemed to constitute delivery:

(1) Actual delivery of the sugar by the seller, or by the warehouseman or custodian, (i) to the buyer, or (ii) to a common carrier for transportation to the buyer, whether or not such transportation involves subsequent transshipment by means of another such carrier.

(2) Constructive delivery of the sugar by the seller, or by the warehouseman or custodian, by (i) delivery to the buyer of a negotiable or non-negotiable warehouse receipt, or custodian's storage receipt, representing the sugar, or (ii) acknowledgment that the sugar is held for and on behalf of the buyer.

(c) Delivery of sugar shall be evidenced as follows:

(1) *By the seller* Actual delivery to the buyer shall be evidenced by the buyer's written receipt thereof; actual delivery to a common carrier for transportation to the buyer shall be evidenced by a copy of the bill of lading, or other shipping receipt, issued by a common carrier; delivery to the buyer of a negotiable or non-negotiable warehouse receipt, or a custodian's storage receipt, shall be evidenced by the buyer's written receipt thereof; and an acknowledgment that the sugar is held for and on behalf of the buyer shall be evidenced by the buyer's written receipt of the notice of such acknowledgment; and

(2) *By the warehouseman or custodian.* Actual delivery to the buyer shall be evidenced by the warehouse or custodian delivery advice accompanied by a copy of the buyer's written receipt to the warehouseman or custodian; actual delivery to a common carrier for transportation to the buyer shall be evidenced by the warehouse or custodian delivery advice accompanied by a copy of the bill of lading, or other shipping receipt, issued by a common carrier; issuance to the buyer of a negotiable or non-negotiable warehouse receipt, or custodian's receipt, representing the sugar shall be evidenced by the warehouse or custodian delivery advice showing the number of such receipt and to whom issued; and any other acknowledgment that the sugar is held for and on behalf of the buyer shall be evidenced by the warehouse or custodian delivery advice accompanied by the original or a copy of the buyer's written receipt of such acknowledgment.

(d) A sales contract shall be deemed to be a bona fide contract, if, in accordance with the foregoing:

(1) Actual delivery of the sugar is made under the contract during the quota year in which such contract is made;

(2) Constructive delivery of the sugar is made under the contract which permits actual delivery during the quota year in which such contract is made and actual delivery is made by January 31 of the following year;

(3) Constructive delivery of the sugar is made under the contract which permits actual delivery during the quota year in which such contract is made and the sugar is paid for in cash by January 31 of the following year; or

(4) Constructive delivery of the sugar is made under the contract which permits actual delivery during the quota year in which such contract is made and not less than 25 percent of the sugar is actually delivered, or not less than 25 percent of the purchase price of the sugar is paid in cash, by January 31 of the following year: *Provided,* The entire amount of the sugar is actually delivered to the buyer and paid for in full.

(e) The provisions of this section shall apply to the first marketing of sugar produced from sugar beets and sugarcane grown in the continental United States.

NOTE: The record-keeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 211, 403; Pub. Law 388, 80th Cong.)

Done at Washington, D. C., this 26th day of February 1948. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P ANDERSON, *Secretary.*

[F. R. Doc. 48-1819; Filed, Feb. 27, 1948; 9:32 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 139]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.384 *Orange Regulation 139*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, 1946 Supp., Part 933, 12 F R. 7383) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirments and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order* (1) During the period beginning at 12:01 a. m., e. s. t., March 1, 1948, and ending at 12:01 a. m., e. s. t., March 15, 1948, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade, as such grades are defined in the United States Standards for citrus fruits, as amended (12 F. R. 6277)

(ii) Any container of oranges, except Temple oranges, grown in Regulation Area I which grade U. S. Combination Grade (as such grade is defined in the aforesaid amended United States Standards) unless at least sixty percent (60%) by count, of the total quantity of oranges in such container meets the requirements of U. S. No. 1 grade (as such grade is defined in the aforesaid amended United States Standards) and each of the remainder of the oranges meets all the requirements of the aforesaid U. S. Combination Grade for oranges meeting the requirements of the U. S. No. 2 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2, U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the aforesaid amended United States Standards) *Provided*, That, any such oranges that grade U. S. No. 2, as aforesaid, may be shipped only if such oranges also meet the additional requirements specified in the U. S. Combination Grade (as such grade is defined in the aforesaid amended United States Standards) for oranges meeting the requirements of the U. S. No. 2 grade; or

(iv) Any oranges, except Temple oranges, grown in the State of Florida which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States Standards) in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated sec. 595.09))

(2) As used in this section, the terms "handler," "ship," "Regulation Area I," and "Regulation Area II" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 26th day of February 1948.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-1817; Filed, Feb. 27, 1948; 9:31 a. m.]

PART 942—MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA

AMENDED ORDER REGULATING THE HANDLING OF MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA

AUTHORITY: §§ 942.0 to 942.13, inclusive, issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C., 601 et seq., sec. 102, Reorg. Plan 1 of 1947, 12 F. R. 4534.

§ 942.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Supps., 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159, 4904) a public hearing was held at New Orleans, Louisiana, on November 24–25, 1947, inclusive, pursuant to the notice thereof which was published in the FEDERAL REGISTER on November 13, 1947 (12 F. R. 7404) upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area. Upon the basis of evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of said milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* It is necessary, in the public interest, to make this amended order effective by not later than March 1, 1948, so as to reflect current marketing conditions and to give producers an immediate assurance of "floor" prices on Class I milk below which such prices cannot fall, as an incentive to a needed increase in milk production during the fall and winter months of 1948–49. Any delay beyond March 1, 1948, in the effective date of this amended order will seriously threaten the supply of milk in the New Orleans, Louisiana, marketing area. The need for this amended order is also disclosed in the decision (13 F. R. 719) which was published in the FEDERAL REGISTER on February 17, 1948. The provisions of this amended order are well known to the handlers—the hearing having been held on November 24–25, 1947, the recommended decision having been published in the FEDERAL REGISTER on January 23, 1948, and the final decision having been executed by the Secretary on February 12, 1948; and a reasonable time is permitted, under the circumstances, for the preparation for such effective date. It is hereby found and determined, in view of these facts and circumstances, that good cause exists for making this amended order effective on March 1, 1948; and that it would be contrary to the public interest to delay the effective date of the amended order to a date later than March 1, 1948.

(c) *Determinations.* It is hereby determined that handlers (including cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order, as amended and as hereby further amended, which is marketed within the New Orleans, Louisiana, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this amended order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area;

(3) The issuance of this amended order is approved or favored by at least two-thirds of the producers, who, during the determined representative period (December 1947) were engaged in the production of milk for sale in the said marketing area; and

(4) The adoption of the provision which provides for the payment to all producers and cooperative associations delivering milk to the same handler of uniform prices for all milk delivered by them is approved or favored by at least three-fourths of the producers who, during a representative period (December 1947), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is hereby ordered, that on and after the effective date hereof, the handling of milk in the New Orleans, Louisiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

§ 942.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended, by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "New Orleans, Louisiana, marketing area," hereinafter called the "marketing area," means the cities, towns, and villages of New Orleans in Orleans Parish; Gretna, Westwego, Marrero, Harvey, Metairie, and Belle Chasse in Jefferson Parish; Poydras, St. Bernard, Violet, Meraux, Chalmette, and Arabi in St. Bernard Parish; all in the State of Louisiana.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means a person who in conformity with the applicable health regulations for milk for consumption as milk in the marketing area produces milk which is received at a city or country plant.

(f) "Handler" means a person who operates a city or country plant.

(g) "City plant" means a plant where milk is processed and packaged and from which milk is distributed as Class I milk in the marketing area.

(h) "Country plant" means a plant at which milk is received from producers and from which milk or cream is received at a city plant.

(i) "Delivery period" means the current marketing period from the first to, and including, the last day of each month.

(j) "Market administrator" means the agency which is described in § 942.2 for the administration hereof.

(k) "Cooperative association" means any cooperative association of producers which the Secretary determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in sale of milk of its members.

(l) "Other sources" means sources other than producers or other handlers.

(m) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers or from other producer-handlers in bulk: *Provided,* That (1) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the processing, packaging, and distribution of milk are the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 942.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof;

(2) Report to the Secretary complaints of violations of the provisions hereof;

(3) Make rules and regulations to effectuate the terms and provisions hereof; and

(4) Recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay out of the funds provided by § 942.9, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate;

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 942.3 or (ii) made payments pursuant to § 942.8 and § 942.9; and

(5) Promptly verify the information contained in the reports submitted by handlers.

§ 942.3 *Reports of handlers*—(a) *Periodic reports.* On or before the 5th day after the end of each delivery period, each handler, except as set forth in paragraph (c) of this section, shall report to the market administrator in the detail and on forms prescribed by the market administrator, with respect to all milk, skim milk, cream, and other milk products which were, during the delivery period, purchased or received from (i) producers, (ii) other handlers, and (iii) other sources; the receipts at each plant; the butterfat content; and the utilization thereof.

(b) *Reports of payments to producers.* On or before the 20th day after the end of each delivery period, each handler shall submit to the market administrator such handler's producer pay roll for the delivery period, which shall show the total pounds of milk received from each producer, the average butterfat content of such milk, and the net amount of payment to such producer with the prices, deductions, and charges involved.

(c) *Reports of producer-handlers.* Producer-handlers shall report to the market administrator at such time and in such manner as the market administrator may request.

(d) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of milk depends. Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(1) Verify the receipts and utilization of all skim milk and butterfat and, in the case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content milk and milk products; and

(3) Verify payments to producers.

§ 942.4 *Classification*—(a) *Basis of classification.* All skim milk and butterfat contained in milk, skim milk, cream, and other milk products required to be reported shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (c) (d) (e) and (f) of this section, the classes of utilization of milk shall be as set forth in this paragraph: *Provided,* That no skim milk or butterfat, as the case may be, shall be classified as Class II or Class III, during any of the delivery periods of October through February if the total receipts of skim milk or butterfat in milk received from producers during the preceding delivery period is less than 90 percent of the utilization of skim milk or butterfat, respectively, by all handlers, in Class I (determined in accordance with subparagraphs (1), (2), and (3) of this paragraph)

(1) Class I shall be all skim milk and butterfat the utilization of which is not established as Class II or Class III;

(2) Class II shall be all skim milk and butterfat used in cheese other than Cheddar, ice cream, and ice cream mix; and

(3) Class III shall be all skim milk and butterfat (i) disposed of other than

in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet or sour cream (for consumption as cream, including any mixture of cream and milk or skim milk, in fluid form irrespective of the butterfat content), cheese other than Cheddar, ice cream, and ice cream mix; and (ii) accounted for as actual plant shrinkage, but not in excess of 2 percent, respectively, of the total receipts of skim milk and butterfat from producers

(c) *Responsibility of handlers and reclassification of milk.* (1) In establishing the classification of skim milk and butterfat as required in paragraphs (b) and (d) of this section, the burden rests upon the first handler who receives such skim milk or butterfat to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(2) Any skim milk or butterfat classified in one class shall be reclassified if such skim milk or butterfat is later used or disposed of (whether in original or other form) by any handler in another class, in accordance with such latter use or disposition.

(d) *Transfers.* (1) Subject to the conditions set forth in paragraph (c) of this section, and subparagraph (2) of this paragraph, skim milk and butterfat, when transferred in the form of milk, skim milk, or cream from a handler who purchases or receives milk from producers shall be classified (i) as Class I, if transferred to a handler who is not a producer-handler unless utilization in another class is mutually agreed upon and reported by both handlers on or before the 5th day after the end of the delivery period within which such transfer was made: *Provided,* That in no event shall the amount of skim milk or butterfat so reported be greater than the amount used in such class by the transferee handler; (ii) as Class I, if transferred to a producer-handler; (iii) as Class I, if transferred to a person, other than a handler, who distributes milk or cream in fluid form for consumption as such: *Provided,* That, if during the delivery periods of March through September, the buyer maintains books and records, showing the utilization of all skim milk and butterfat received at his plant, which are made available to the market administrator for the purpose of verification, such skim milk and butterfat shall be classified during such delivery periods as follows: (*a*) Determine the classification of all skim milk and butterfat at the transferee plant, and (*b*) allocate the skim milk and butterfat, respectively, received at the transferee plant from the transferring handler to the highest-priced classification remaining after subtracting, in series beginning with the highest-priced classification, the receipts of skim milk and butterfat, respectively, at the transferee plant from dairy farms; and (iv) in the class in which the market administrator determines such skim milk or butterfat was used, if transferred to a person, other than a handler, who does not distribute milk or cream in fluid form for consumption as such.

(2) No provision relative to transfers provided for in subparagraph (1) (i) of this paragraph shall operate to deter the prior subtraction of skim milk or butterfat from other sources pursuant to paragraph (f) of this section. Any quantity reported for assignment to a particular class but not eligible therefor because of paragraph (f) of this section shall be assigned by the market administrator as Class I skim milk or Class I butterfat pending verification and appropriate allocation.

(e) *Computation of the skim milk and butterfat in each class.* For each delivery period, the market administrator in the case of each handler shall determine:

(1) The total pounds of skim milk received by adding together the total pounds of milk, skim milk, and cream received, and the pounds of butterfat and skim milk used to produce any milk products received, and subtracting therefrom the total pounds of butterfat determined pursuant to subparagraph (2) of this paragraph;

(2) The total pounds of butterfat received by adding into one sum the pounds of butterfat received from (i) producers, (ii) other handlers, and (iii) other sources;

(3) The total pounds of skim milk in Class I by (i) adding together the pounds of milk, skim milk, and cream disposed of in each of the several products of Class I, (ii) subtracting the result obtained in subparagraph (4) (i) of this paragraph, and (iii) adding together the result obtained in subdivision (ii) of this subparagraph and the result obtained in subparagraph (7) (iii) (*b*) of this paragraph;

(4) The total pounds of butterfat in Class I by (i) adding together the pounds of butterfat in each of the several products of Class I, and (ii) adding together the result obtained in subdivision (i) of this subparagraph and the result obtained in subparagraph (8) (ii) (*b*) of this paragraph;

(5) The total pounds of skim milk in Class II by (i) adding together the pounds of milk, skim milk, and cream which were used to produce each of the several products of Class II, and (ii) subtracting the result obtained in subparagraph (6) of this paragraph;

(6) The total pounds of butterfat in Class II by adding together the pounds of butterfat used in each of the several products in Class II;

(7) The total pounds of skim milk in Class III by (i) adding together the pounds of milk, skim milk, and cream which were used to produce each of the several products of Class III, (ii) subtracting the result obtained in subparagraph (8) (i) of this paragraph, (iii) subtracting from the result obtained in subparagraph (1) of this paragraph the results obtained in subparagraphs (3) (ii) and (5) (ii) of this paragraph and subdivision (ii) of this subparagraph, which resulting amount shall be classified as follows: (*a*) That portion not in excess of 2 percent of total receipts of skim milk from producers shall be considered as plant shrinkage and classified as Class III, and (*b*) that portion in excess of 2 percent of total receipts of skim milk from producers shall be classified as Class I: *Provided,* That any skim milk which has been accounted for as having been dumped by a handler shall be classified as Class III, and (iv) adding together the pounds of skim milk obtained in subdivision (ii) of this subparagraph and the pounds of skim milk allocated to Class III pursuant to subdivision (iii) of this subparagraph; and

(8) The total pounds of butterfat in Class III by (i) adding together the pounds of butterfat used in each of the several products of Class III, (ii) subtracting from the result obtained in subparagraph (2) of this paragraph the results obtained in subparagraphs (4) (i) and (6) of this paragraph and subdivision (i) of this subparagraph, which resulting amount shall be classified as follows: (*a*) That portion not in excess of 2 percent of total receipts of butterfat from producers shall be considered as plant shrinkage and classified as Class III, and (*b*) that portion in excess of 2 percent of total receipts of butterfat from producers shall be classified as Class I, and (iii) adding together the results obtained in subdivisions (i) and (ii) (*a*) of this subparagraph.

(f) *Allocation of skim milk and butterfat classified.* (1) The pounds of skim milk remaining in each class, for each handler, after making the following computations shall be the pounds allocated to milk received from producers, and shall be known as the "net pooled skim milk" in such class for such handler:

(i) Subtract from the total pounds of skim milk in Class III the plant shrinkage of skim milk in Class III, computed pursuant to paragraph (e) (7) (iii) (*a*) of this section;

(ii) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced available class, the pounds of skim milk received from other sources;

(iii) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers and used in such class; and

(iv) Add to the remaining pounds of skim milk in Class III the amount subtracted pursuant to subdivision (i) of this subparagraph. If the remaining total pounds of skim milk in all classes exceed the total pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with the lowest-priced available class.

(2) Determine the pounds of butterfat to be allocated to milk received from producers in a manner similar to that prescribed in subparagraph (1) of this paragraph for skim milk (except that the reference paragraph (e) (8) (ii) (*a*) shall be substituted for the designated reference paragraph (e) (7) (iii) (*a*) set forth in paragraph (1) (i) of this paragraph). The resulting pounds of butterfat in each class shall be known as the "net pooled butterfat" in such class.

(g) *Announcement of utilization of skim milk and butterfat.* The market administrator may, from time to time, as conditions in the market warrant:

(1) Obtain reports, in the manner and on forms prescribed by him, from handlers with respect to their receipts and utilization of skim milk and butterfat; and

(2) Publicly announce (i) the name of each handler whose receipts of skim milk or butterfat in milk received from producers are more than 105 percent of his utilization of skim milk or butterfat, respectively, in Class I milk, computed in the manner prescribed in subparagraphs (3) and (4) of paragraph (e) of this section, (ii) the name of each handler whose receipts of skim milk or butterfat in milk received from producers is less than 95 percent of his utilization of skim milk or butterfat, respectively, in Class I milk, computed in the manner prescribed in subparagraphs (3) and (4) of paragraph (e) of this section, and (iii) the percent that the total receipts of skim milk and butterfat in milk received from producers is of the utilization of skim milk and butterfat, respectively, by all handlers, in Class I (determined in accordance with subparagraphs (1) (2) and (3) of paragraph (b) of this section)

§ 942.5 *Minimum prices*—(a) *Basic formula price to be used in determining Class I prices.* The basic formula price per hundredweight of milk to be used in determining the Class I prices set forth in this section shall be the highest of the prices computed pursuant to subparagraphs (1) (2) and (3) of this paragraph.

(1) To the average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the United States Department of Agriculture by the companies listed below:

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed as follows: From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, subtract 3 cents, add 20 percent thereof, and then multiply by 0.5;

(2) The price computed as follows:

(i) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the United States Department of Agriculture during the delivery period;

(ii) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" on such Exchange shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 4.0.

(3) The price computed by adding together the plus amounts pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period, subtract 3 cents, add 20 percent thereof, and then multiply by 4.0; and

(ii) From the average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. manufacturing plants in the Chicago area, as reported by the United States Department of Agriculture during the delivery period, deduct 4 cents, multiply by 8.5, and then multiply by 0.96.

(b) *Class I prices.* Each handler shall pay producers, in the manner set forth in § 942.8, for skim milk and butterfat in milk purchased or received from them during each delivery period and classified as net pooled Class I skim milk and net pooled Class I butterfat, not less than the following prices per hundredweight:

(1) For such skim milk and butterfat received at such handler's plant located in the 61–70 mile zone, the minimum prices shall be as follows:

(i) To the basic formula price add $1.25 for the delivery periods of March through September and $1.50 for the delivery periods of October through February: *Provided*, That the resulting price shall not be less than $5.25 per hundredweight for the delivery periods of March through September, 1948, and $5.69 per hundredweight for the delivery periods of October 1948 through February 1949.

(ii) The price of butterfat shall be the sum obtained in subdivision (i) of this subparagraph multiplied by 17.5.

(iii) The price of skim milk shall be computed by (*a*) multiplying the price of butterfat pursuant to subdivision (ii) of this subparagraph by 0.04; (*b*) subtracting such amount from the sum obtained in subdivision (i) of this subparagraph; (*c*) dividing such net amount by 0.96; and (*d*) rounding off to the nearest full cent.

(2) For skim milk and butterfat received at such handler's plant located in a freight zone other than the 61–70 mile zone, the prices shall be those effective pursuant to subparagraph (1) of this paragraph adjusted by the respective amount indicated in the following schedule for the freight zone in which such plant is located:

Freight zone (miles)	*Cents per hundredweight*
Not more than 20	+28.0
More than 20 but not more than 30	+8.0
More than 30 but not more than 40	+6.0
More than 40 but not more than 50	+4.0
More than 50 but not more than 60	+2.0
More than 60 but not more than 70	0.0
More than 70 but not more than 80	−2.0
More than 80 but not more than 90	−4.0
More than 90 but not more than 100	−6.0
More than 100 but not more than 110	−7.0
More than 110	−8.0

(3) The market administrator shall from time to time determine and publicly announce the freight zone location of each plant of each handler, according to the railroad mileage distance between such country plant and the railroad terminal in New Orleans, or according to the highway mileage distance between such plant and the City Hall in New Orleans, whichever is shorter.

(4) For the purpose of this paragraph, the skim milk and butterfat which was classified as net pooled Class I skim milk and net pooled Class I butterfat during each delivery period shall be considered to have been first that skim milk and butterfat which was received from producers at such handler's plant located in the 0–20 mile zone, then that skim milk and butterfat which was received from producers at such handler's plant in series beginning with plants located in the freight zone nearest to New Orleans.

(c) *Class II prices.* Each handler shall pay producers, in the manner set forth in § 942.8, for skim milk and butterfat in milk purchased or received from them during each delivery period and classified as net pooled Class II skim milk and net pooled Class II butterfat, not less than the following prices per hundredweight:

(1) The price per hundredweight of skim milk shall be computed as follows: Multiply by 8.5 the average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. manufacturing plants in the Chicago area, as reported by the United States Department of Agriculture during the delivery period,

(2) The price per hundredweight of butterfat shall be computed as follows: From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period, subtract 3 cents, and add 20 percent thereof and multiply by 100.

(d) *Class III prices.* Each handler shall pay producers, in the manner set forth in § 942.8, for skim milk and butterfat in milk purchased or received from them during each delivery period and classified as net pooled Class III skim milk and net pooled Class III butterfat, not less than the following prices per hundredweight:

(1) The price per hundredweight of skim milk shall be any plus amount resulting from the following computation: From the average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), roller process, delivered at Chicago, as reported by the United States Department of Agriculture during the delivery period, deduct 7 cents, and then multiply by 7.5.

(2) The price per hundredweight of butterfat shall be computed as follows: Multiply by 100 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period.

(e) *Emergency price provisions.* (1) Whenever the provisions hereof require the market administrator to use a specific

price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further* That if the specified price is not reported or published and there is not applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

(2) Whenever the Secretary finds and announces that the Class I and Class II prices computed for any delivery period pursuant to paragraphs (b) and (c) of this section are not in the public interest, the Class I and Class II prices for such delivery period shall be the same as the Class I and Class II prices for the previous delivery period.

§ 942.6 *Application of provisions*—(a) *Exceptions.* (1) Sections 942.5, 942.7, 942.8, and 942.9 shall not apply to any handler (i) whose sole source of supply is from other handlers (except producer-handlers) or (ii) who is a producer-handler pursuant to § 942.1 (m) as verified in the manner provided in subparagraph (2) of this paragraph.

(2) Producer-handlers shall furnish the market administrator for his verification evidence of their qualifications as such pursuant to §942.1 (m)

(3) Milk received at the plant of a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions hereof.

(b) *Payment for excess skim milk or butterfat.* If, after subtracting receipts from other sources, and from other handlers (including receipts in packaged form from producer-handlers) a handler has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his reports, has been credited to his producers as having been purchased or received from them, the market administrator in computing the value of milk for such handler, pursuant to § 942.7 (a), shall add an amount equal to the value of such skim milk or butterfat in accordance with its value at the price for the class from which such skim milk or butterfat was subtracted pursuant to § 942.4 (f)

(c) *Skim milk and butterfat disposed of by a producer-handler* A producer-handler shall be considered as a producer with respect to skim milk and butterfat disposed of in bulk as milk, skim milk, or cream to a handler (including another producer-handler), but as a handler with respect to skim milk and butterfat disposed of in packaged form to a handler (including another producer-handler)

§ 942.7 *Determination of uniform prices to producers*—(a) *Computation of the value of milk for each handler.* For each delivery period the market administrator shall compute for each handler the value of skim milk and butterfat, respectively, received by such handler from producers during such delivery period by multiplying, respectively, the pounds of "net pooled skim milk" and "net pooled butterfat" in each class by the respective class prices, and adding, respectively, any amount pursuant to § 942.6 (b).

(b) *Computation of uniform price for each handler* For each delivery period the market administrator shall compute, to the nearest one-tenth cent, for each handler the uniform price per hundredweight of skim milk, butterfat, and milk received by such handler from producers as follows:

(1) Adding, respectively, to the values computed pursuant to paragraph (a) of this section the amounts computed by multiplying, respectively, the total hundredweight of skim milk and butterfat received by such handler from producers at plants located in each freight zone farther from New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.5 (b) (2),

(2) Subtracting, respectively, the amounts computed by multiplying, respectively, the total hundredweight of skim milk and butterfat received by such handler from producers at plants located in each freight zone nearer New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.5 (b) (2),

(3) If, in the verification of the reports of such handler of his receipts and utilization of skim milk and butterfat, respectively, for previous delivery periods subsequent to the effective date of this order, the market administrator discovers errors in such reports, including reclassification of skim milk and butterfat pursuant to § 942.4 (c) (2) there shall be added or subtracted, as the case may be, an amount of money necessary to correct such errors;

(4) Dividing, respectively, the resulting sums by the hundredweight of "net pooled skim milk" and "net pooled butterfat." The results shall be known, respectively, as the uniform price per hundredweight for such handler for skim milk and butterfat purchased or received from producers at plants located in the 61–70 mile zone. The uniform price for milk containing 4.0 percent butterfat received from producers at plants located in the 61–70 mile zone shall be the sum of the values of 96 pounds of skim milk and 4 pounds of butterfat at the respective uniform prices.

(c) *Butterfat differential.* For each delivery period the market administrator shall compute to the nearest one-tenth cent a butterfat differential for each handler as follows: subtract from his uniform price per hundredweight of butterfat his uniform price per hundredweight of skim milk and divide the result by 1,000.

(d) *Announcement of prices.* (1) On or before the 6th day after the end of each delivery period, the market administrator shall notify all handlers and make public announcement of the class prices of skim milk and butterfat received from producers during the delivery period.

(2) On or before the 10th day after the end of each delivery period, the market administrator shall notify each handler and make public announcement of the butterfat differential and the uniform price per hundredweight of skim milk, butterfat, and milk containing 4.0 percent butterfat received by such handler from producers during the delivery period.

§ 942.8 *Payment for milk*—(a) *Time and method of payment.* (1) On or before the last day of each delivery period, each handler shall make payment to each producer for the milk received from such producer by such handler during the first 15 days of the delivery period at not less than $3 per hundredweight.

(2) On or before the 15th day after the end of each delivery period, each handler shall make payment to each producer for milk received from such producer by such handler during the delivery period at not less than the uniform price for milk containing 4.0 percent butterfat announced pursuant to § 942.7 (d) adjusted as follows: if the average butterfat content of the milk received from such producer varies from 4.0 percent subtract for each one-tenth of one percent that the average butterfat content of such milk is less than 4.0 percent, or add for each one-tenth of one percent that the average butterfat content of such milk is more than 4.0 percent, an amount equal to the butterfat differential computed pursuant to § 942.7 (c).

(b) *Location differentials.* Each handler, in making the payments prescribed in paragraph (a) of this section, shall adjust the uniform price for each producer with respect to all skim milk and butterfat received from such producer at such handler's plant not located in the 61–70 mile zone by the amount per hundredweight specified in the table pursuant to § 942.5 (b) (2)

(c) *Adjustment of errors in payments.* Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

§ 942.9 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 10th day after the end of such delivery period, with respect to all skim milk and butter-

fat purchased or received by such handler, during such delivery period, from producers, including that received from such handler's own farm production.

§ 942.10 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* Any or all of the provisions hereof, or any amendment hereto, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

(c) *Continuing power and duty of the market administrator* (1) If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(2) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until removed, (ii) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (iii) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 942.11 *Liability of handlers.* The liability of the handlers hereunder is several and not joint, and no handler shall be liable for the default of any other handler.

§ 942.12 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 942.13 *Separability of provisions.* If any provision hereof, or its application to any person or circumstance, is held invalid, the application of such provision and of the remaining provisions hereof to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 26th day of February, 1948, to be effective on and after the 1st day of March, 1948.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 48-1813; Filed, Feb. 27, 1948; 9:41 a. m.]

[Lemon Reg. 263]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.370 *Lemon Regulation 263*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 29, 1948, and ending at 12:01 a. m., P. s. t., March 7, 1948, is hereby fixed at 280 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 26th day of February 1948.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

Storage date: February 22, 1948

[12:01 a. m. February 29, 1948, to 12:01 a. m. March 14, 1948]

Handler	*Prorate base (percent)*
Total	100.000
Allen-Young Citrus Packing Co	.000
American Fruit Growers, Corona	.427
American Fruit Growers, Fullerton	.443
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.341
Consolidated Citrus Growers	.013
Hazeltine Packing Company	1.314
McKellips, C. H.-Phoenix Citrus Co.	.000
McKellips Mutual Citrus Growers Inc	.000
Phoenix Citrus Packing Co	.012
Ventura Coastal Lemon Co	1.128
Ventura Pacific Co	.960
Total A. F. G	4.637
Arizona Citrus Growers	.025
Desert Citrus Growers Co	.015
Mesa Citrus Growers	.028
Klink Citrus Association	1.490
Lemon Cove Association	1.548
Glendora Lemon Growers Association	1.337
La Verne Lemon Association	1.019
La Habra Citrus Association, The	1.353
Yorba Linda Citrus Association, The	.859
Alta Loma Heights Citrus Association	643
Etiwanda Citrus Fruit Association	.447
Mountain View Fruit Association	.817
Old Baldy Citrus Association	1.080
Upland Lemon Growers Association	5.462
Central Lemon Association	.824
Irvine Citrus Association, The	1.119
Placentia Mutual Orange Association	.875
Corona Citrus Association	1.167
Corona Foothill Lemon Co	2.823
Jameson Co	1.489
Arlington Heights Citrus Co	1.042
College Heights Orange & Lemon Association	3.093
Chula Vista Citrus Association, The	1.203
El Cajon Valley Citrus Association	.593
Escondido Lemon Association	5.550
Fallbrook Citrus Association	3.151
Lemon Grove Citrus Association	.583
San Dimas Lemon Association	2.549
Carpinteria Lemon Association	2.777
Carpinteria Mutual Citrus Association	3.314
Goleta Lemon Association	2.292
Johnston Fruit Co	4.787
North Whittier Heights Citrus Association	.872
San Fernando Heights Lemon Association	2.706
San Fernando Lemon Association	1.493
Sierra Madre-Lamanda Citrus Association	1.097
Tulare County Lemon & Grapefruit Association	1.869
Briggs Lemon Association	.955
Culbertson Investment Co	181
Culbertson Lemon Association	1.134
Fillmore Lemon Association	2.262

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base (percent)
Oxnard Citrus Association, Plant No. 1	1.955
Oxnard Citrus Association, Plant No. 2	.357
Rancho Sespe	1.159
Santa Paula Citrus Fruit Association	2.763
Saticoy Lemon Association	1.580
Seaboard Lemon Association	2.373
Somis Lemon Association	1.434
Ventura Citrus Association	.573
Limoneira Company	1.786
Teague-McKevett Association	.370
East Whittier Citrus Association	753
Leffingwell Rancho Lemon Association	.289
Murphy Ranch Co	1.305
Whittier Citrus Association	.948
Whittier Select Citrus Association	.311
Total C. F. G. E	85.880
Arizona Citrus Products Co	.011
Chula Vista Mutual Lemon Association	1.256
Escondido Cooperative Citrus Association	.557
Glendora Cooperative Citrus Association	.066
Index Mutual Association	.277
La Verne Cooperative Citrus Association	2.789
Libbey Fruit Co	.051
Orange Cooperative Citrus Association	.083
Pioneer Fruit Co	.000
Tempe Citrus Co	.000
Ventura Co. Orange & Lemon Association	1.752
Whittier Mut. Orange & Lemon Association	.197
Total M. O. D	7.039
Abbate, Chas., Co., The	.000
California Citrus Groves, Inc. Ltd	.026
Evans Bros. Pkg. Co.—Riverside	.125
Evans Bros. Pkg. Co.—Sentinel Butte Ranch	.000
Harding & Leggett	.039
Leppla-Pratt Produce Distributors, Inc	.000
Levinson, Sam	.066
McCartney Fruit Co	.037
Orange Belt Fruit Distributors	1.603
Potato House, The	.000
Reimers, Don H	.000
Rooke, B. G., Packing Co	.039
San Antonio Orchard Co	.120
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.334
Webb Packing Co., Inc	.000
Total Independents	2.444

[F. R. Doc. 48-1816; Filed, Feb. 27, 1948; 9:31 a. m.]

[Grapefruit Reg. 53]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.314 *Grapefruit Regulation 53*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 55 (7 CFR, Cum. Supp., 955.1 et seq.) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Administrative Committee established under the said marketing agreement and the said order, and upon other available information, it is hereby found that the limitation of shipments of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rulemaking procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., February 29, 1948, and ending at 12:01 a. m., P. s. t., March 21, 1948, no handler shall ship:

(i) Any grapefruit grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, which grade lower than U. S. No. 2 grade, as such grades are defined in the revised United States Standards for Grapefruit (California and Arizona) 12 F. R. 1975; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any such grapefruit which are of a size smaller than $3\frac{11}{16}$ inches in diameter, or (*b*) to any point in Canada, any such grapefruit which are of a size smaller than $3\frac{3}{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit) except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum sizes shall be permitted which tolerances shall be applied in accordance with the provisions for the application of tolerances, specified in the said revised United States Standards for Grapefruit (California and Arizona) *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than $3\frac{11}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{7}{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than $3\frac{3}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{15}{16}$ inches in diameter and smaller.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 26th day of February 1948.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-1815; Filed, Feb. 27, 1948; 9:31 a. m.]

[Orange Reg. 219]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.365 *Orange Regulation 219*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 29, 1948, and ending at 12:01 a. m., P. s. t., March 7, 1948, is hereby fixed as follows:

(i) *Valencia oranges.* Prorate Districts Nos. 1, 2 and 3, no movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 1100 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base

schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 26th day of February 1948.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. February 29, 1948 to 12:01 a. m. March 7, 1948]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.1442
A. F. G. Corona	.5244
A. F. G. Fullerton	.0390
A. F. G. Orange	.0000
A. F. G. Riverside	.5262
Hazeltine Packing Co	.1316
Placentia Pioneer Valencia Growers Association	.0611
Signal Fruit Association	.9459
Azusa Citrus Association	.9237
Azusa Orange Co., Inc	.1320
Damerel-Allison Co	1.0618
Glendora Mutual Orange Association	.5125
Irwindale Citrus Association	.3579
Puente Mutual Citrus Association	.0471
Valencia Heights Orchard Association	.2170
Covina Citrus Association	1.3734
Covina Orange Growers Association	4316
Duarte-Monrovia Fruit Exchange	4321
Glendora Citrus Association	.9017
Glendora Heights Orange and Lemon Growers Association	.1570
Gold Buckle Association	3.5623
La Verne Orange Association	3.6165
Anaheim Citrus Fruit Association	.0605
Anaheim Valencia Orange Association	.0133
Eadington Fruit Co., Inc	.2879
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0478
Orange County Valencia Association	0000
Orangethorpe Citrus Association	.0000
Placentia Cooperative Orange Association	0000
Yorba Linda Citrus Association, The	.0000
Alta Loma Heights Citrus Association	.3990
Citrus Fruit Growers	.9797
Cucamonga Citrus Association	.5774
Etiwanda Citrus Fruit Association	.2108
Mountain View Fruit Exchange	.1774
Old Baldy Citrus Association	4553
Rialto Heights Orange Growers	.3910
Upland Citrus Association	2.1499
Upland Heights Orange Association	1.0388

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Consolidated Orange Growers	0.0000
Frances Citrus Association	.0037
Garden Grove Citrus Association	.0276
Goldenwest Citrus Association, The	0000
Olive Heights Citrus Association	.0414
Santa Ana-Tustin Mutual Citrus Association	.0216
Santiago Orange Growers Association	.0000
Tustin Hills Citrus Association	.0000
Villa Park Orchards Association, The	.0176
Bradford Brothers, Inc	.2385
Placentia Mutual Orange Association	.1718
Placentia Orange Growers Association	.0000
Call Ranch	7132
Corona Citrus Association	1.0641
Jameson Co	.3990
Orange Heights Orange Association	1.0780
Crafton Orange Growers Association	1.4777
E. Highlands Citrus Association	4796
Fontana Citrus Association	.5728
Highland Fruit Growers Association	6503
Redlands Heights Groves	1.1042
Redlands Orangedale Association	1.2557
Break & Son, Allen	.2969
Bryn Mawr Fruit Growers Association	1.1686
Krinard Packing Co	1.7801
Mission Citrus Association	7982
Redlands Cooperative Fruit Association	1.7712
Redlands Orange Growers Association	1.2202
Redlands Select Groves	.5305
Rialto Citrus Association	.5051
Railto Orange Co	.3526
Southern Citrus Association	.9563
United Citrus Growers	6824
Zilen Citrus Co	7874
Andrews Bros. of California	.3340
Arlington Heights Citrus Co	6151
Brown Estate, L. V. W	1.8321
Gavilan Citrus Association	1.7546
Hemet Mutual Groves	.3207
Highgrove Fruit Association	7894
McDermont Fruit Co	1.8833
Monte Vista Citrus Association	1.2261
National Orange Co	.8206
Riverside Heights Orange Growers Association	1.3946
Sierra Vista Packing Association	7834
Victoria Avenue Citrus Association	2.9175
Claremont Citrus Asssociation	1.1151
College Heights Orange and Lemon Association	1.1635
El Camino Citrus Association	.5169
Indian Hill Citrus Association	1.2995
Pomona Fruit Growers Exchange	1.9429
Walnut Fruit Growers Association	4704
West Ontario Citrus Association	1.5210
El Cajon Valley Citrus Association	.2845
Escondido Orange Association	.5041
San Dimas Orange Growers Association	1.1179
Ball & Tweedy Association	.0918
Canoga Citrus Association	0650
N. Whittier Heights Citrus Association	.1160
San Fernando Fruit Growers Association	.3777
San Fernando Heights Orange Association	.3342
Sierra-Madre-Lamanda Citrus Association	.2148
Camarillo Citrus Association	0089
Fillmore Citrus Association	1.3279

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Ojai Orange Association	1.0102
Piru Citrus Association	1.1626
Santa Paula Orange Association	.1168
Tapo Citrus Association	.0065
E. Whittier Citrus Association	.0148
Whittier Citrus Association	.2576
Whittier Select Citrus Association	.0000
Anaheim Cooperative Orange Association	.0698
Bryn Mawr Mutual Orange Association	.6408
Chula Vista Mutual Lemon Association	.1629
Escondido Cooperative Citrus Association	1038
Euclid Avenue Orange Association	2.2465
Foothill, Citrus Union, Inc	.1104
Fullerton Cooperative Orange Association	.0407
Garden Grove Orange Cooperative, Inc	.0267
Glendora Cooperative Citrus Association	.0695
Golden Orange Groves, Inc	.2807
Highland Mutual Groves, Inc	.3000
Index Mutual Association	.0045
La Verne Cooperative Citrus Association	2.7930
Mentone Heights Association	.8461
Olive Hillside Groves	.0000
Orange Cooperative Citrus Association	.0429
Redlands Foothill Groves	2.5952
Redlands Mutual Orange Association	1.0124
Riverside Citrus Association	.3507
Ventura County Orange & Lemon Association	.1985
Whittier Mutual Orange & Lemon Association	.0385
Babijuice Corp. of California	.4613
Banks Fruit Co	.1945
California Fruit Distributors	.0464
Cherokee Citrus Co., Inc	1.0571
Chess Company, Meyer W	4276
Evans Bros. Packing Co	7500
Gold Banner Association	2.0507
Granada Packing House	.2920
Hill, Fred A	7338
Inland Fruit Distributors	.3134
Orange Belt Fruit Distributors	1.8278
Panno Fruit Co., Carlo	.1416
Paramount Citrus Association	.1131
Placentia Orchards Co	.0000
San Antonio Orchard Co	1.3836
Snyder & Sons Co., W. A	.3526
Torn Ranch	.0604
Verity & Sons Co., R. H	.0861
Wall, E. T	1.7675
Western Fruit Growers Inc., Redlands	3.1351
Yorba Orange Growers Association	.0554

[F. R. Doc. 48-1814; Filed, Feb. 27, 1948; 9:31 a. m.]

Chapter XIV—Production and Marketing Administration (School Lunch Program)

APPENDIX—REAPPORTIONMENT OF ASSISTANCE FUNDS

NONFOOD ASSISTANCE FUNDS

Pursuant to sections 4 and 5 of the National School Lunch Act (60 Stat. 230), nonfood assistance funds available for the fiscal year ending June 30, 1947, are

reapportioned among the several States as follows:

State	Total	State agency C	Withheld for private schools
Alabama	$401,360.77	$393,996.76	$7,364.01
Arizona	58,631.76	56,503.96	2,127.80
Arkansas	276,434.12	271,257.13	5,176.99
California	334,150.35	334,150.35	
Colorado	83,926.96	77,409.67	6,517.29
Connecticut	75,200.03	75,200.03	
Delaware	12,191.42	12,191.42	
District of Columbia	34,949.11	34,949.11	
Florida	165,600.95	160,779.02	4,821.93
Georgia	384,503.64	384,503.64	
Idaho	41,380.45	40,158.57	1,221.88
Illinois	391,330.65	391,330.65	
Indiana	212,057.07	212,057.07	
Iowa	171,323.36	154,240.04	17,083.32
Kansas	117,673.31	117,673.31	
Kentucky	343,508.79	343,508.79	
Louisiana	270,967.82	270,967.82	
Maine	52,075.88	51,064.96	1,010.92
Maryland	117,694.59	98,656.66	19,037.93
Massachusetts	208,139.18	174,238.78	33,900.40
Michigan	304,312.93	262,615.76	41,897.17
Minnesota	167,112.38	140,000.00	27,112.38
Mississippi	374,371.49	374,371.49	
Missouri	227,182.46	227,182.46	
Montana	32,825.50	30,356.19	2,469.31
Nebraska	92,221.60	83,700.51	8,521.09
Nevada	7,321.51	7,173.63	147.88
New Hampshire	37,843.43	37,843.43	
New Jersey	191,072.23	158,502.25	32,569.98
New Mexico	69,715.88	63,351.39	6,364.49
New York	538,895.09	538,895.09	
North Carolina	482,961.75	482,961.75	
North Dakota	50,393.78	47,834.38	2,559.40
Ohio	314,643.37	266,487.74	48,155.63
Oklahoma	210,442.63	210,442.63	
Oregon	57,818.33	57,818.33	
Pennsylvania	605,853.86	489,300.58	116,552.28
Rhode Island	38,201.03	38,201.03	
South Carolina	291,111.53	288,626.87	2,484.66
South Dakota	53,635.67	50,181.73	3,453.94
Tennessee	329,341.48	324,786.30	4,555.18
Texas	606,824.98	606,824.98	
Utah	53,580.13	52,919.23	660.90
Vermont	26,038.84	26,038.84	
Virginia	267,732.62	262,314.43	5,418.19
Washington	83,597.86	78,196.51	5,401.35
West Virginia	210,195.25	206,191.18	4,004.07
Wisconsin	202,304.09	160,129.21	42,174.88
Wyoming	19,227.03	19,227.03	
Alaska	1,116.84	1,116.84	
Hawaii	9,570.33	7,855.04	1,714.29
Puerto Rico	284,390.91	284,390.91	
Virgin Islands	4,921.92	4,921.92	
Total	10,000,000.00	9,545,520.46	454,479.54

(60 Stat. 230)

Dated: February 24, 1948.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 48-1726; Filed, Feb. 27, 1948; 8:57 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 49-1]

PART 49—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

ACCEPTABLE INFLAMMABLE LIQUIDS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of February 1948.

Section 49.2 of the Civil Air Regulations, permits the transportation of samples of lacquers, paints, and varnishes which have a flash point between 20° and 80° F. There are other materials which have the same characteristics and which can be carried with an equal degree of safety in air transportation.

The purpose of this amendment is to broaden the specifications of acceptable inflammable liquids in specified quantities to include articles not previously accepted but which can be transported in air commerce with an equal degree of safety.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 49 of the Civil Air Regulations (14 CFR, Part 49) effective March 26, 1948:

By amending § 49.2 (c) to read as follows:

§ 49.2 *Acceptable explosives and other dangerous articles.* * * *

(c) Samples of aviation grade gasoline and oil and samples of inflammable liquids having a flash point of not less than 20° F., excluding carbon bisulfide, ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerine, and zinc ethyl. Materials shall be packed in inside containers having a capacity of not more than one pint, or 16 ounces by weight, and the total amount transported in the aircraft shall not exceed one gallon. Inside containers shall be securely closed, sufficient in strength to prevent any leakage or distortion of the containers caused by change in temperature or altitude during transit, and so filled as to provide adequate outage. These containers shall be surrounded with and cushioned by fire-resistant material sufficient to absorb all of the liquid, and they shall be packed in substantial outside boxes. Aviation fuel and oil carried in tanks complying with the fuel or oil tank installation provisions of the Civil Air Regulations are not required to comply with this part.

(Secs. 205 (a) 601, 52 Stat. 984, 1007; 49 U. S. C. 425 (a) 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-1753; Filed, Feb. 27, 1948; 8:57 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and 61 Stat. 11; 21 U. S. C., Sup. 357) the regulations for tests and methods of assay of antibiotic drugs (12 F. R. 2215) and certification of batches of penicillin- or streptomycin-containing drugs (12 F. R. 2231) as amended, are hereby further amended as indicated below:

1. Section 141.1 (c) first sentence, is amended to read: "Keep the working standard (obtained from the Food and Drug Administration) at room temperature in tightly stoppered vials, which in turn are kept in larger stoppered tubes containing a suitable desiccant."

2. Section 141.101 (c) is amended to read as follows:

(c) *Working standard.* Keep the working standard (obtained from the Food and Drug Administration) at room temperature in tightly stoppered vials, which in turn are kept in larger stoppered vials containing anhydrous magnesium perchlorate. Dry an appropriate amount of the working standard as described in § 141.5 (a) (the moisture-free working standard has a potency of 800 mcg./mg.) Dissolve the weight of dry working standard obtained in 0.05 M potassium phosphate buffer (pH 6.0) Keep this stock solution at a temperature of about 15° C., do not use it later than 30 days after it is made.

3. Section 146.1 (f) is amended to read as follows:

(f) The term "microgram" means the streptomycin activity (potency) contained in 1.38 micrograms of the streptomycin master standard after it is dried for four hours at 56° C. and a pressure of 50 microns or less.

4. Section 146.24 (b) second sentence, lines 10, 11, and 12, is amended to read: "each such container shall contain 100,000 units, 200,000 units, 500,000 units, 1,000,000 units, 2,000,000 units, 3,000,000 units, 4,000,000 units, or 5,000,000 units, except that."

5. Section 146.25 (b) first sentence, is amended to read: "The immediate container of penicillin in oil and wax shall be of colorless transparent glass (if packaged and labeled solely for udder installations of cattle, it shall be of transparent glass) so closed as to be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that its contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded."

6. The headnote of § 146.34 is amended to read: "*Tablets aluminum penicillin.*"

7. Section 146.101 (c) (1) (iii) is amended by deleting the figure "12" and substituting the figure "18" therefor.

This order, which provides for redefining the term "microgram," packaging penicillin in multiples of 1,000,000 units up to and including 5,000,000 units, deleting the provisions permitting the use of plastic containers for penicillin in oil and wax, increasing the effective period of certification of streptomycin from 12 to 18 months, and revising the working-

standard provisions for penicillin and streptomycin shall become effective upon publication in the FEDERAL REGISTER, since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay redefining the term "microgram"; to delay packaging penicillin in multiples of 1,000,000 up to and including 5,000,000 units; to delay prohibiting the packaging of penicillin in oil and wax in plastic containers; to delay increasing the effective period of certification of streptomycin from 12 to 18 months; and to delay revision of the penicillin and streptomycin working-standard provisions.

(52 Stat. 1040, as amended, 59 Stat. 463, 61 Stat. 11, 21 U. S. C., Sup. 357)

Dated: February 18, 1948.

[SEAL] OSCAR R. EWING,
Administrator

[F. R. Doc. 48-1754; Filed, Feb. 27, 1948; 8:49 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 48-1640, appearing on page 865 of the issue for Thursday, February 26, 1948, the first sentence of the note should read:

NOTE: Chapter VI of Executive Order 4314 of September 25, 1925, as amended by Executive Order 9515 of January 18, 1945, and by Executive Order 9563 of June 4, 1945, was further amended by Canal Zone Order 11, November 21, 1947, effective January 1, 1948.

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2377]

PART 4—DELEGATIONS OF AUTHORITY

INVESTIGATION, CONSTRUCTION AND OPERATION OF FEDERAL RECLAMATION PROJECTS

1. Paragraph (a) (1) of § 4.412, authorizing the Commissioner of Reclamation to appoint appraisers or appraisal boards, etc., and paragraph (a) (6) of § 4.412, authorizing the Commissioner of Reclamation to effect the sale of acquired lands or interests therein, etc., (Order 2018; 10 F R. 259; 43 CFR, 1946 Supp., 4.412) are hereby revised to read as follows:

§ 4.412 *Delegation of authority with respect to investigation, construction and operation of Federal Reclamation Projects.* (a) * * *

(1) To authorize the appraisal or reappraisal of lands or interests therein and water rights, by appraisers or appraisal boards, in connection with acquisitions under the Federal Reclamation Laws; to make or approve appraisals in all cases where the amounts involved do not exceed $50,000 for a property in one ownership; to contract for and effect the purchase or exchange of lands or interests therein and water rights at appraised values, but any exchange involving withdrawn public lands, except in the case of public lands within the Columbia Basin Project, shall be effected only with the concurrence of the Director of the Bureau of Land Management; and to effect, at approved appraised values, the acquisition or, through exercise of the power of attorney, the sale of lands or interests therein under the provisions of recordable contracts entered into in accordance with the Columbia Basin Project Act (57 Stat. 14) In the event the authority under this subsection is exercised by other than the Commissioner of Reclamation, the forms of purchase, sale, or exchange contracts shall be first approved by the Commissioner, except that only the basic provisions of such forms used in transactions on the Columbia Basin Project shall be first approved by the Commissioner.

* * * * *

(6) To effect the sale of acquired or public lands or interests therein where permitted under the Federal Reclamation Laws and, in connection therewith, to execute in the name of the Secretary the requisite deeds of conveyance using forms approved by the Commissioner, except that the Commissioner's approval in the case of forms of conveyance to be used under the authority of the Columbia Basin Project Act shall be requisite only as to the basic provisions thereof. The sale of public lands hereunder shall be made only with the concurrence and under the jurisdiction of the Director of the Bureau of Land Management, except in the case of sales of public lands under the authority of the Columbia Basin Project Act. The sale of any lands acquired or withdrawn as a site or part of a site for the development of electric power and energy may be made only after consultation with the Division of Power, but no lands withdrawn, reserved, or classified for power purposes may be sold under authority of this order.

2. Order 2197 dated May 16, 1946, (11 F R. 5872) is hereby superseded.

(Sec. 3, 60 Stat. 238; 50 U. S. C. Sup. 1002)

C. GIRARD DAVIDSON,
Acting Secretary of the Interior

NOVEMBER 26, 1947.

[F. R. Doc. 48-1721; Filed, Feb. 27, 1948; 8:57 a. m.]

Chapter II—Bureau of Reclamation, Department of the Interior

PART 400—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY

CROSS REFERENCE: For amendment of the delegation of authority to the Commissioner of Reclamation authorizing the Commissioner to appoint appraisers or appraisal boards, etc., and to effect the sale of acquired lands or interests therein, etc., described in § 400.41, see Part 4 of Subtitle A, *supra*.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR, Part 301]

WHITE-FRINGED BEETLE QUARANTINE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1001, et seq.) that the United States Department of Agriculture is considering a revision of the white-fringed beetle quarantine and regulations (7 CFR §§ 301.72 to 301.72-9, inclusive, 12 F. R. 1667) The proposed revision of the quarantine and regulations contemplates the following changes:

1. Including the State of South Carolina under quarantine for the first time and placing under regulation parts of two counties, Fairfield and Richland, in that State.

Extending the regulated areas of other quarantined States to additional parts of counties previously under regulation and to parts of new counties in which infestations have been recently found, as follows:

Alabama. Additional parts of the counties of Baldwin, Coffee, Covington, Escambia, Geneva, Mobile, and Montgomery; and part of the new county of Jefferson.

Florida. An additional part of the county of Walton; and parts of the new counties of Holmes and Santa Rosa.

Georgia. Additional parts of the counties of Bulloch, Irwin, Montgomery, and Screven; and parts of the new counties of Candler, Clayton, Coffee, Evans, Jasper, Jefferson, Johnson, Newton, Putnam, Richmond, Sumter, Taylor, and Turner.

Mississippi. Additional parts of the counties of Covington and Jefferson Davis; and part of the new county of Perry.

2. Adding peanut shells to the list of regulated articles, and requiring certification as a condition of their interstate movement from any regulated area.

3. Removing the following articles, for which certification is now required, from

that classification: Forest products, building materials, baled cotton lint, linters, moss, leafmold, implements, machinery, equipment, and containers. Provision will be made, however, under another regulation supplemental to this quarantine, pertaining to the disinfecting of vehicles, machinery, containers and other articles to control the interstate movement of these articles when they may be contaminated and their movement from any regulated area would involve a risk of spreading infestation.

4. Eliminating the requirement that disinfestation treatments be made only in accordance with administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine. This change will permit the inspector to select a method of fumigation or other treatment from administratively authorized procedures which have been found effective in eliminating infestations of the white-fringed beetle.

5. Changes in wording throughout the quarantine and regulations are proposed for the purpose of clarification and do not alter the intended meaning.

Each of the States known to be infested takes quarantine or regulatory action in connection with any newly found infestation at the time it is discovered. Inspectors of the Bureau of Entomology and Plant Quarantine, acting under State authority, operate as State agents and assist in enforcement of regulations to safeguard movement of regulated articles from regulated areas. The quarantine action contemplated in the proposed revision confirms actions previously taken by the States and brings the Federal quarantine and regulations in agreement with them.

Concurrent with the proposed revision of the quarantine and regulations, it is proposed to revise the administrative instructions of the Chief of the Bureau of Entomology and Plant Quarantine (B. E. P. Q. 485, 15th Revision, effective May 22, 1947, 12 F. R. 3283) to exempt from certification requirements, when they are handled or maintained under specified conditions, the following regulated articles: hay and straw (except peanut hay) uncleaned grass, grain and legume seed; scrap metal, junk, and cinders; seed cotton and cottonseed; processed and crude clay and sand and gravel. It is also proposed in these administrative instructions to specify the conditions under which soil and similar materials may be certified when certification is required.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice in the FEDERAL REGISTER.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 141, 143, 161, 7 CFR § 301.72 et seq., 12 F. R. 1667)

Done at Washington, D. C., this 24th day of February 1948.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 48-1725; Filed, Feb. 27, 1948; 8:51 a. m.]

NOTICES

POST OFFICE DEPARTMENT

INTERNATIONAL MAILS

NAMES OF POST OFFICES IN KOREA

Mail articles for Korea should be addressed to post offices of destination by Korean names, inasmuch as the Japanese names of localities in that country have been abolished. The Korean names of the larger cities in Korea, with the former Japanese names which should no longer be used, are given below:

Chemulpo or Inchon (not Jinsen).
Chinju (not Shinshu).
Chengjin (not Seishin).
Chenju (not Zenshu).
Hamhung (not Kanko).
Haeju (not Kaishu).
Inchon or Chemulpo (not Jinsen).
Kaesong (not Kaijo).
Kyongsong or Seoul (not Keijo).
Pusan (not Fusan).
Pyongyong (not Heijo).
Seoul or Kyongsong (not Keijo).
Taejon (not Taiden).
Wonsan (not Gensan).

Dated: February 19, 1948.

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-1719; Filed, Feb. 27, 1948; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

SALT RIVER PROJECT, ARIZONA

CHANGE IN FORM OF WITHDRAWAL

DECEMBER 19, 1947.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410) I hereby change the form of withdrawal affecting the following described lands, now withdrawn in the second form by Departmental Orders of July 2 and August 26, 1902, to the first form, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388)

SALT RIVER PROJECT

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 1 N., R. 2 E.,
sec. 29, E½NE¼, N½SW¼,
sec. 30, Lot 3, NE¼SW¼, N½SE¼.
T. 2 N., R. 6 E.,
secs. 29 and 30, those portions south of the center line (south boundary of the Salt River Indian Reservation) of the Salt River;
sec. 33, N½NE¼.

The above areas aggregate approximately 950 acres.

WESLEY R. NELSON,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

FRED W. JOHNSON,
Director

FEBRUARY 10, 1948.

[F. R. Doc. 48-1720; Filed, Feb. 27, 1948; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket 6651]

FREQUENCY SERVICE-ALLOCATIONS TO NON-GOVERNMENT FIXED AND MOBILE SERVICES BETWEEN 960-MEGACYCLES AND 2100 MEGACYCLES

REPORT OF THE COMMISSION

In the matter of allocation of frequencies to the various classes of non-Government service in the radio spectrum from 10 kilocycles to 30,000,000 megacycles.

In April 1947, the Commission received a comprehensive report from the Radio Technical Committee for Aeronautics (Paper 55-47/Do-3, April 25, 1947) which raised the question of the need for adequate spectrum space in the vicinity of 1000 Mc for the development of an integrated system of electronic aids to air navigation and traffic control.

While the question raised by the Radio Technical Committee for Aeronautics had not been presented at any of the previous oral arguments in Docket 6651 particularly that held on January 15, 1947, on proposed frequency service-allocations between 1,000-13,000 Mc to the non-government fixed and mobile services, the Commission believed that if the attainment of the objective of civil aviation to develop a system of all weather flying depended, even in part, upon the permanent availability of the entire spectrum 960-1700 Mc for the aeronautical navigational service, a modification of the existing table of frequency allocations was justified. Accordingly, on May 8, 1947, the Commission issued a notice of further proceedings in Docket 6651 (Public Notice 7705) which proposed a reallocation of frequencies between 960-2100 Mc in order to provide the band 960-1700 Mc for the Aeronautical Radionavigation Service.

In brief, this proposal would have (a) retained the previously established distance measuring equipment band (960 to 1215 megacycles) (b) provided a band 1215 to 1600 megacycles for surveillance radar, responder beacons, flow control, occupancy, and traffic data relay functions, and (c) retained the previously allocated 1600 to 1700 megacycles to the aeronautical radionavigation service.

On May 26, 1947, the Commission held a hearing and oral argument on the above proposed allocations. Extensive testimony was heard and written comments were received which indicated a need for an adequate allocation for the aeronautical radionavigation service in the portion of the spectrum under consideration. Emphasis was placed not upon a requirement for additional spectrum space but upon the need for a wider band of frequencies in the region of 1000 Mc to permit the use of an integrated aeronautical navigational system. As a result of this, the Commission is of the opinion that certain important air navigation functions cannot be performed within the 960–1215 Mc band previously allocated but that additional frequencies up to 1660 Mc are required.

The amateur service is allocated the band 1215–1300 Mc, but pulsed emissions will not be permitted in this band.

Certain testimony was presented by representatives of the television industry advocating retention of television pickup and inter-city relaying systems operating in the band 1295–1425 Mc. The Commission considered the testimony in this hearing with that presented in the hearing and oral argument of January 15, 1947, and is making provision for these operations within the bands allocated for other television auxiliary uses. (See Report of the Commission with Respect to Frequency Service-Allocations to the Non-Government Fixed and Mobile Services between 1000 Mc and 13200 Mc issued February 20, 1948.)

Continued operation on a temporary basis of the non-government stations now allocated frequencies between 1295 and 1425 megacycles will be permitted until those frequencies actually are occupied by aeronautical radionavigational aids in accordance with the note appended to those frequency bands in the table attached hereto as Appendix I.

In order to accommodate the needs of the aeronautical radionavigation service in the band 960–1660 Mc, certain adjustments in the allocation of frequencies between 1700 Mc and 2300 Mc had to be made. These adjustments are reflected in the division of spectrum space between the government and non-government services shown in Appendix I. The allocation of spectrum space to specific non-government services is set forth in the Table of Frequency Allocations appended to the Report of the Commission with Respect to Frequency Service-Allocations to the Non-government Fixed and Mobile Services between 1000 Mc and 13200 Mc, issued February 20, 1948.

The effective date of the Table of Frequency Allocations below is April 2, 1948.

Adopted: February 20, 1948.
Released: February 20, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

APPENDIX I

Frequency Allocations to the Aeronautical Radionavigation Service, 960–2300 Mc, Allocation to Services

Frequency band, Mc	World wide	Region 1	Region 2 (The Americas)	Region 3	United States allocation
960–1215	Aeronautical radionavigation.				Aeronautical radionavigation.[6]
1215–1300	Amateur [1]				Amateur.[7]
1300–1700 [2]		1300–1600, (a) fixed, (b) mobile.[3 4]	1300–1660, aeronautical radionavigation.[4]	1300–1700, (a) aeronautical radionavigation, (b) fixed, (c) mobile.	1300–1365 aeronautical radionavigation (surveillance radar).[8] 1365–1660 aeronautical radionavigation (including altimeter).[8 10] 1660–1700 meteorological aids (radiosonde).
1700–2300	(a) Fixed (b) Mobile.[5]				1700–1850 Government. 1850–2200 non-Government, (a) fixed, (b) mobile. 2200–2300 Government.

[1] In the U. S. S. R., the band 1215–1300 Mc is allocated for the fixed service primarily for relaying television.
[2] In Region 2, the band 1300–1660 Mc is intended for an integrated system of electronic aids to air navigation and traffic control. Administrations of the other Regions should envisage the possibility of the future application of such a system on a world-wide basis.
[3] In the U. S. S. R., the band 1300–1600 Mc is allocated for the aeronautical radionavigation service.
[4] In Region 2 and the United Kingdom, the use of the band 1300–1365 Mc is restricted to surveillance radar.
[5] In Regions 1 and 3, the meteorological aids service may be operated in the band 1700–1750 Mc.
[6] The band 960–1215 Mc is for distance measuring and other functions related to those performed in the band 1365–1660 Mc.
[7] Pulsed emissions prohibited.
[8] The fixed and mobile services formerly allocated frequency bands between 1300 and 1600 Mc and now operating therein will be allowed to operate on their present frequencies until Dec. 31, 1952, provided that no interference is caused to the use of these frequencies by the Aeronautical Radionavigation Service.
[9] In non-military aviation it is not anticipated that the altimeter function will be performed in this band except in coordination with other functions required for an aeronautical radionavigation system.

[F. R. Doc. 48–1738; Filed, Feb. 27, 1948; 8:53 a. m.]

[Docket No. 6651]

FREQUENCY SERVICE-ALLOCATIONS TO THE NON-GOVERNMENT FIXED AND MOBILE SERVICES BETWEEN 1000 MC AND 13200 MC

REPORT OF THE COMMISSION

In the matter of allocation of frequencies to the various classes of non-Government services in the radio spectrum from 10 kilocycles to 30,000,000 kilocycles.

On January 15, 1947, the Commission held a hearing, which included oral argument, on its proposal of October 22, 1946, relating to frequency service-allocations between 1000 and 13000 megacycles to the non-government fixed and mobile services. After this hearing was held, the Commission received a comprehensive report, prepared by the Radio Technical Commission for Aeronautics, suggesting an expansion of the radio navigation bands above 960 Mc to provide adequate spectrum space in the 1000 Mc region to accommodate an integrated system of air navigations and traffic control. A hearing was held on May 26, 1947, on the latter proposal. Consequently, non-government fixed and mobile frequencies between 1000 Mc and 2100 Mc have been considered by the Commission in the light of both the January 15, 1947 and May 26, 1947 hearings.

On April 14, 1947, the Commission issued Public Notices numbers 7125 and 7126 proposing certain additional frequencies for use by industrial, scientific and medical devices. These public notices provided an opportunity for written comments to be submitted and for oral argument on the proposal, if such action were warranted. On May 15, 1947, the Commission, after having considered comments submitted in connection with such proposal, issued Public Notice 6651 setting forth final allocations at 915 Mc, 5850 Mc, 10,600 Mc and 18,000 Mc for industrial, scientific and medical devices. The allocation of bands to these devices is reflected in the arrangement of some of the fixed and mobile bands shown in the table attached hereto as Appendix I.

Certain significant comments relating to the proposal of October 22, 1946, referred to above, were presented to the Commission by interested parties. They are disposed of as follows:

The Raytheon Manufacturing Company requested, at the January 15, 1947, hearing, that the band 3700–3750 Mc or 6500–6550 Mc be allocated on a non-exclusive basis for FM studio-transmitter links. The Commission believes that

such an allocation is neither desirable nor necessary since frequencies of this order are required for wide-band systems and since a specific and adequate allocation for FM ST Links was made final in the band 920–952 Mc on July 12, 1946.

The Commission is unable to provide an allocation in the vicinity of 2670 Mc to the non-safety category of the radio location service which will have international recognition for use by speed-measuring devices, as requested by the Automatic Signal Corporation, but will permit the operation of such equipments in the band 2450–2500 Mc with the stipulation that interference from industrial, scientific and medical devices must be accepted and that fixed and mobile services will have priority over this non-safety category of radiolocation service.

The General Telephone Service Corporation requested an assignment of a 50 Mc band, preferably 2650–2700 Mc, for common carrier use. However, this request did not rest upon the contention that inadequate spectrum space had been proposed for common carrier use but rather upon the fact that the indicated space was desired to accommodate certain war surplus equipment which this company had purchased and had placed in operation. The Commission does not consider that this is a sufficient showing of the need for the specific frequency allocation requested, in the light of the other requirements for allocations in this portion of the spectrum, particularly since there is no contention that the frequencies allocated for the common carrier fixed bands are inadequate.

The Commission reaffirms in this report its position regarding the specific allocation of frequency bands for theatre television, as set forth on pages 128 and 129 of the "Report of Allocations" issued in Docket No. 6651 on May 25, 1945. The requirements for theatre television are still not sufficiently clear to indicate the need for a specific allocation for its exclusive use at this time. The Commission is of the opinion, from information now available to it, that a large part, if not all, of the functions required by theatre television should be handled by stations authorized to operate on frequencies allocated to the use of communications common carriers.

Several representatives of the television broadcasting industry presented argument for consideration of an allocation for private inter-city television relay operation. The position of the industry was, basically, that existing and proposed communications common carriers were not presently in a position to meet the needs of the television broadcasters for network facilities. Means of obtaining network programming in cities other than those now served by the common carriers' coaxial cable or microwave transmitter systems are wanted, or will be wanted, by television broadcasters before the estimated completion date of the common carriers' facilities. Therefore, although the Commission is still of the opinion, as stated in its proposal of October 22, 1946, that frequency economy requires that inter-city television relaying be handled by communications common carriers, it is recognized that the latter are not yet ready to afford the service required and that adequate facilities will not be ready for some appreciable interval of time. Accordingly, provision for inter-city television relaying, on a coordinated basis, by television broadcast licensees is being made within the bands allocated for other television auxiliary uses. To the extent there may be frequency time available for such non-common carrier intercity relaying on a basis of non-interference to pickup and STL service, the Commission intends to assure that an equitable apportionment of such frequency time will be made available to each of the television broadcasters desiring such service.

Therefore, the bands 1990–2110 Mc, 6875–7125 Mc, 12,700–13,200 Mc are allocated primarily for Television Pickup and Television STL purposes and secondarily for inter-city television relaying purposes on a basis of non-interference to the primary service. Since this does not represent an increase in spectrum space available for auxiliary television uses, the amount of inter-city television relaying that may be accomplished depends largely upon the ingenuity and cooperation of the television industry in making the most effective use of frequency space available. The Commission desires to emphasize that this special provision for inter-city television relaying is a purely temporary measure designed to assist the television industry until such time as permanent common carrier facilities are generally available, and those broadcasters who venture into the business of relaying television programs in these frequency bands should plan to amortize their investment at the earliest possible date.

The Commission recognizes that there are four basic types of fixed and mobile radio facilities for which provision should be made in the non-government fixed and mobile bands and, in order to minimize potential congestion in these bands and reduce the number and expense of shifts in frequency occupancy that might otherwise be necessary, the general allocations are distributed as follows in Appendix I below:

1. Common Carrier Fixed Circuits.
2. Fixed circuits except Common Carrier, Television STL and Interim Television Relay.
3. Mobile except Television Pickup.
4. Television Pickup, Television STL and Interim Television Relay.

The Commission is not convinced that all the services proposing to operate in this portion of the spectrum will prove to be justifiable, particularly in view of the limited frequency space available for all the non-government fixed and mobile services. However, the Commission is making frequency space available in this manner at this time in order to permit experimentation and a demonstration by stations in each of the categories of the value and need for the service they render.

Common Carrier Fixed Circuits denotes those fixed, control, and repeater communications circuits in the fixed service open to public correspondence.

Fixed except Common Carrier, Television STL and Interim Television Relay denotes:

(a) Fixed service control circuits controlling overseas fixed public service circuits.

(b) Control, repeater, and fixed circuits in the fixed service not open to public correspondence, which are operated by and for the sole use of those agencies operating their own communication facilities in the Public Safety, Industrial, and Land Transportation Services, and in the Aeronautical Fixed and Mobile Services.

Mobile except Television Pickup denotes all categories of the mobile service except television pickup.

Television Pickups are radio stations in the mobile service used either by television broadcast licensees or communications common carriers for the transmission of television broadcasting programs of a temporary nature such as ball games, parades, news events, etc. to television broadcasting stations from locations where wire service is not practicable.

Television STL (Television Studio to Transmitter Links) are radio stations in the fixed service used either by television broadcast licensees or communications common carriers for the transmission of television broadcasting programs from studios to television broadcasting transmitters where wire service is not practicable.

Interim Television Relay Stations are radio stations in the fixed service used in interim bands for the transmission of television broadcasting programs from one television broadcasting station to other television broadcasting stations to provide simultaneous network television broadcasting and operated only by television broadcast licensees.

Authorization for continued experimental operation on a temporary basis of stations now employing frequencies in the non-government fixed and mobile bands between 1000 and 13200 megacycles, not in accord with the frequency service-allocations set forth herein, may be renewed on a strictly temporary basis for a period not to exceed one year from February 20, 1948, to allow completion of experimental programs under way. Any such authorizations issued will be on the condition that no interference is caused to stations regularly assigned for operation in accordance with this table of frequency allocations.

The effective date of the Table of Frequency Allocations below is April 2, 1948.

Adopted: February 20, 1948.
Released: February 20, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

APPENDIX I

TABLE OF FREQUENCY ALLOCATIONS

1000-13200 Megacycles

Non-Government Fixed and Mobile Services

Frequency band, Mc	International allocation [2] (Region 2—The Americas)	U. S. allocation	Frequency band, Mc	International allocation [2] (Region 2—The Americas)	U. S. allocation
1850-2290	(a) Fixed; (b) mobile	1850-1990 Mc fixed except common carrier, television STL and interim television relay. 1990-2110 Mc television pickup, television STL and interim television relay. 2110-2200 Mc fixed except common carrier, television STL and interim television relay.	5925-7125	(a) Fixed; (b) mobile	5925-6425 Mc common carrier fixed circuits. 6425-6575 Mc mobile except television pickup. 6575-6875 Mc fixed except common carrier, television STL and interim television relay. 6875-7125 Mc television pickup, television STL interim television relay.
[1] 2450-2700	do	2450-2500 Mc, (a) fixed, (b) mobile, (c) radiolocation.[3] 2500-2700 Mc fixed except common carrier, television STL and interim television relay.	10700-13200	Not allocated	10700-11700 Mc common carrier fixed circuits. 11700-12200 Mc mobile except television pickup. 12200-12700 Mc fixed except common carrier television STL and interim television relay. 12700-13200 Mc television pickup, television STL, interim television relay.
3500-4200	do	3500-3700 Mc mobile except television pickup. 3700-4200 Mc common carrier fixed circuits.			

[1] In Region 2, Australia, New Zealand, Northern Rhodesia, Southern Rhodesia, the Union of South Africa, the territory under mandate of Southwest Africa, and the United Kingdom, the frequency 2 450 Mc/s is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±50 Mc/s of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment. (Chapter III, art. 5, note 106, page 55-E, Atlantic City Radio Regulations.)

[2] This refers to the international table of frequency allocations which will be applicable after Jan. 1, 1949.

[3] The operations of the radiolocation service in the band 2450-2500 Mc are solely those which are for purposes other than navigation or safety, and must be on a non-interference basis to operations of the fixed and mobile services.

[F. R. Doc. 48-1739; Filed, Feb. 27, 1948; 8:53 a. m.]

[Docket Nos. 6940, 6962-6964, 7154, 7155, 7599]

ELGIN BROADCASTING CO. ET AL.

ORDER SETTING DATE FOR ORAL ARGUMENT

In re applications of George A. Ralston and Jerry C. Miller d/b as The Elgin Broadcasting Company, Elgin, Illinois, Docket No. 6962, File No. BP-3833; Joseph Triner, et al., d/b as Village Broadcasting Company, Oak Park, Illinois, Docket No. 6963, File No. BP-4075; Sidney H. Bliss, tr/as Beloit Broadcasting Company, Beloit, Wisconsin, Docket No. 6964; File No. BP-4161, Vincent G. Cofey, Elgin, Illinois, Docket No. 7154, File No. BP-4381, Community Broadcasting Company, Oak Park, Illinois, Docket No. 7155, File No. BP-4382; Radio-Wisconsin, Inc., Madison, Wisconsin, Docket No. 6940, File No. BP-3809; Edwin Mead, Rockford, Illinois, Docket No. 7599, File No. BP-4729; for construction permits.

Whereas, on June 28, 1947, the Commission adopted a Decision in the above-entitled proceeding involving the applications for Elgin and Oak Park, Illinois, and Beloit, Wisconsin, granting the application of The Elgin Broadcasting Company and denying the four other applications in the proceeding; and

Whereas, on June 28, 1947, the Commission adopted a Decision in the above-entitled proceeding involving the applications for Madison, Wisconsin, and Rockford, Illinois, granting the application of Radio Wisconsin, Inc. and denying the application of Edwin Mead; and

Whereas, with respect to the Decision of June 28, 1947, in the proceeding involving the above-entitled applications for Elgin and Oak Park, Illinois, and Beloit, Wisconsin, the following two petitions were filed: (1) petition for rehearing, filed July 17, 1947 by Beloit Broadcasting Company requesting that the Commission (a) reconsider its Decision and designate the matter for reargument; (b) vacate its grant to Elgin Broadcasting Company and grant the applications of petitioner and one of the Oak Park applicants; and (2) petition for rehearing, filed July 21, 1947 by Village Broadcasting Company requesting that the Commission (a) reconsider and set aside the final Decision; (b) amend and correct the findings of fact contained in the final Decision to conform to the record; (c) amend and correct the final Decision so that the conclusions will be based on the amended and corrected findings of fact; and (d) adopt a final decision and order granting the application of petitioner and denying the other Oak Park and Elgin applications; or (e) in the alternative, stay the effective date of its final Decision of June 28, 1947 and grant a rehearing or permit reargument before the Commission; and

Whereas, on July 25, 1947 and July 31, 1947, respectively, Elgin Broadcasting Company filed oppositions to the petitions for rehearing by Beloit Broadcasting Company and Village Broadcasting Company; and

Whereas, on July 17, 1947, in the proceeding involving the applications for Madison, Wisconsin, and Rockford, Illinois, Beloit Broadcasting Company filed a petition for reconsideration and rehearing requesting that the Commission: (a) reopen the record in this proceeding for reargument; (b) set aside its decision of June 28, 1947, granting the application of Radio Wisconsin, Inc. and vacate that grant; (c) dismiss the application of Radio Wisconsin, Inc. and grant the petitioner's application; or (d) in the alternative, condition the grant to Radio Wisconsin, Inc. so as to provide protection to petitioner from the operation of Radio Wisconsin, Inc., and

Whereas, on July 21, 1947 Radio Wisconsin, Inc. filed a motion to strike this petition for rehearing and on July 23, 1947 Beloit Broadcasting Company filed an opposition to this motion to strike of Radio Wisconsin, Inc., and

Whereas, on July 21, 1947 in the proceeding involving the applications for Madison, Wisconsin, and Rockford, Illinois, Edwin Mead filed a petition for rehearing and reconsideration requesting rehearing, reconsideration, oral argument and a reopening of the record for the purpose of receiving engineering evidence showing the radio service available to the city of Madison, Wisconsin; and

Whereas, on July 25, 1947 Radio Wisconsin, Inc. filed an opposition to this petition; on July 30, 1947 petitioner filed a reply to said opposition; on July 31, 1947 Radio Wisconsin, Inc. filed a "Motion to Strike the Reply of Edwin Mead"; on August 7, 1947 petitioner filed an opposition to the "Motion to Strike the Reply of Edwin Mead"; on August 8, 1947 Radio Wisconsin, Inc. filed a "Supplemental Motion to Strike Opposition of Edwin Mead"; on August 14, 1947 petitioner filed an opposition to "Supplemental Motion to Strike the Opposition of Edwin Mead"; and

Whereas, it appears that a grant of that part of the petition for rehearing of Edwin Mead which requests a reopening of the record for the introduction of engineering evidence concerning the extent of radio service to the city of Madison, Wisconsin, would not conduce to the ends of justice inasmuch as such evidence is not newly discovered nor has other good cause been shown why the record should be reopened, and inasmuch as the Commission has before it an adequate record upon which to base a decision; and that, therefore, this portion of the petition of Edwin Mead should be denied; and

Whereas, after a review of the matters raised in the various petitions and other pleadings involved in each of these proceedings concerning the right to further arguments and in view of the additional fact that only three of the four Commissioners who participated in the final decisions, less than a quorum of the Commission, heard oral arguments addressed to the Supplemental Proposed Decision in these proceedings, the Commission is of the opinion that further argument should be held in these proceedings. (See Commission action in re WBNX Broadcasting Company, Inc., et al., Docket No. 6013, et al., Broadcasting Service Organization, Inc. (WORL), Docket No. 6626), Bay State Beacon, Inc., et al., Docket Nos.

6843, et al., and Homer Rodeheaver, et al., Docket Nos. 7097, et al.) and

Whereas, while the Commission is deeply concerned regarding the delays which have already occurred in these proceedings, the Commission is convinced that the most expeditious and proper determination of the applications now before it requires the vacating of the final decisions and prompt further oral arguments before the Commission en banc, followed by final decisions in each of these proceedings;

Now therefore, *It is ordered*, This 19th day of February, 1948, that that part of the petition for rehearing and reconsideration of Edwin Mead which requests a reopening of the record in the proceeding involving this petitioner's application for the purpose of receiving engineering evidence concerning the standard broadcast services available to Madison, Wisconsin, be, and it is hereby, denied; and

It is further ordered, That the said petitions of Beloit Broadcasting Company, Village Broadcasting Company, and Edwin Mead be, and they are hereby, granted to the extent that they request further argument in these proceedings and that the Commission's Decisions of June 28, 1947 in each of the above-entitled proceedings be, and they are hereby, set aside and vacated; and

It is further ordered, That oral argument be held before the Commission en banc at 10 a. m. on the 12th day of March, 1948, and that the parties address themselves to the Supplemental Proposed Decision of March 6, 1947 in the above-entitled proceedings, to the exceptions filed to that Supplemental Proposed Decision, to the findings of fact and conclusions of law contained in the Commission's Decisions of June 28, 1947 in each of the above-entitled proceedings, and to the contentions raised in the petitions for rehearing and the other pleadings filed in these proceedings.

Released: February 19, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1737; Filed, Feb. 27, 1948; 8:53 a. m.]

[Docket Nos. 7287, 8693-8695, 8730, 8743, 8782]

ALLEGHENY BROADCASTING CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Allegheny Broadcasting Corporation, Pittsburgh, Pennsylvania, Docket No. 7287, File No. BPCT-147; Empire Coil Company, Inc., Allison Park, Pennsylvania, Docket No. 8693, File No. BPCT-215; Westinghouse Radio Stations, Inc., Pittsburgh, Pennsylvania, Docket No. 8694, File No. BPCT-221, WPIT, Incorporated, Pittsburgh, Pennsylvania, Docket No. 8695, File No. BPCT-241, WWSW Inc., Pittsburgh, Pennsylvania, Docket No. 8730, File No. BPCT-254; United Broadcasting Corporation, Pittsburgh, Pennsylvania, Docket No. 8743, File No. BPCT-276; WCAE, Incorporated, Pittsburgh, Pennsylvania, Docket No. 8782, File No. BPCT-293; for construction permits for television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of February, 1948;

The Commission having under consideration the above-entitled application of WCAE, Incorporated (File No. BPCT-293) requesting construction permit for a television station at Pittsburgh, Pennsylvania; and

It appearing, that on December 15, 1947, the applications for television broadcast stations for the Pittsburgh, Pennsylvania area exceeded the number of television channels allocated to said area, that on the same date the Commission designated the said applications for hearing in a consolidated proceeding, i. e. the Allegheny Broadcasting Corporation (File No. BPCT-147), Empire Coil Company, Inc. (File No. BPCT-215) Westinghouse Radio Stations, Inc. (File No. BPCT-221) and WPIT, Incorporated (File No. BPCT-241) and that later the applications of WWSW Inc. (File No. BPCT-254) and United Broadcasting Corporation (File No. 276) were included in the said consolidated proceeding;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above application of WCAE, Incorporated (File No. BPCT-293) be, and it is hereby, designated by the commission for hearing in a consolidated proceeding with the other above-entitled applications for television stations in the Pittsburgh, Pennsylvania area, i. e., File Nos. BPCT-147, BPCT-215, BPCT-221, BPCT-241, BPCT-254, and BPCT-276 at a time and place to be designated by the Commission on the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1731; Filed, Feb. 27, 1948; 8:52 a. m.]

[Docket Nos. 8179, 8180]

BLACKHAWK BROADCASTING CO. AND WTAX, INC.

ORDER CONTINUING HEARING DATE

In re applications of Blackhawk Broadcasting Company, Sterling, Illinois, Docket No. 8179, File No. BP-5409; WTAX, Incorporated (WTAX), Springfield, Illinois, Docket No. 8180, File No. BP-5588; for construction permits.

Whereas, the above-entitled applications of Blackhawk Broadcasting Company, Sterling, Illinois, and WTAX, Incorporated (WTAX) Springfield, Illinois, are scheduled to be heard in a consolidated proceeding at Washington, D. C., on February 20, 1948; and

Whereas, there are pending before the Commission petitions filed September 10, 1947, by each of the said applicants requesting severance, reconsideration and grant without hearing on the respective above-entitled applications; and

Whereas, counsel for the said applicants have consented to a continuance of the said hearing scheduled to be held on February 20, 1948, on the above-entitled applications;

It is ordered, This 19th day of February 1948, that the said hearing be, and it is hereby, continued to 10:00 a. m., Thursday, March 4, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1735; Filed, Feb. 27, 1948; 8:53 a. m.]

[Docket Nos. 8661, 8662]

NEW ENGLAND TELEVISION CO., INC., AND E. ANTHONY AND SONS, INC.

ORDER CONTINUING HEARING DATE

In re applications of New England Television Company, Inc., Fall River, Massachusetts, Docket No. 8661, File No. BPCT-209; E. Anthony and Sons, Inc., New Bedford, Massachusetts, Docket No. 8662, File No. BPCT-217; for construction permits.

Whereas, the above-entitled applications are scheduled to be heard at Fall River, Massachusetts, on February 26, 1948, and New Bedford, Massachusetts on February 27, 1948; and

Whereas, the above-entitled application of E. Anthony and Sons, Inc., New Bedford, Massachusetts, requests the assignment of Television Channel No. 1, which may become unavailable to the said applicant as a result of the proceeding in Docket 8487, "In the matter of amendment to the Commission's Rules and Regulations governing sharing of television channels and assignment of frequencies to television and non government fixed and mobile services" and the said hearing on the above-entitled applications would be premature and would not serve the public interest, convenience or necessity;

It is ordered, This 19th day of February, 1948, that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Thursday, March 25, and Friday, March 26, 1948, at Fall River and New Bedford, Massachusetts, respectively.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1736; Filed, Feb. 27, 1948; 8:53 a. m.]

[Docket No. 8661, 8662, 8781]

NEW ENGLAND TELEVISION CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of New England Television Company, Inc., Fall River, Massachusetts, Docket No. 8661, File No. BPCT-209; E. Anthony & Sons, Inc., New Bedford, Massachusetts, Docket No. 8662, File No. BPCT-217; Fall River Herald News Publishing Co., Fall River, Massachusetts, Docket No. 8781, File No. BPCT-301, for construction permits for television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of February 1948;

The Commission having under consideration the above application of Fall River Herald News Publishing Company (File No. BPCT-301) for a construction permit for a television broadcast station at Fall River, Massachusetts; and

It appearing, that on December 4, 1947, applications for television broadcast stations for the Fall River-New Bedford, Massachusetts metropolitan district exceeded the number of television channels allocated to said district and that on the same date the Commission designated said applications for hearing in a consolidated proceeding, i. e., New England Television Company, Inc. (File No. BPCT-209) and E. Anthony & Sons, Inc. (File No. BPCT-217)

It is ordered, That pursuant to section 309. (a) of the Communications Act of 1934, as amended, the above application of Fall River Herald News Publishing Company (File No. BPCT-301) be, and it is hereby, designated by the Commission for hearing in a consolidated proceeding with the other above entitled applications, i. e., File Nos. BPCT-209 and BPCT-217, the hearing to begin February 26, 1948 at Fall River, Massachusetts, and February 27, 1948 at New Bedford, Massachusetts, on the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-1730; Filed, Feb. 27, 1948; 8:52 a. m.]

[Docket No. 8725]

FARMINGTON BROADCASTING CO.

ORDER CONTINUING HEARING DATE

In re application of Harold L. Arment tr/as The Farmington Broadcasting Co., Farmington, New Mexico, Docket No. 8725, File No. BP-5713; for construction permit.

Whereas, the above-entitled application is scheduled to be heard at Farmington, New Mexico, on February 24, 1948; and

Whereas, the above-entitled applicant has notified the Commission that it intends to file a petition requesting dismissal without prejudice of its above-entitled application;

It is ordered, This 19th day of February, 1948, that the said hearing be, and it is hereby, continued to 10:00 a. m., Tuesday, March 2, 1948, at Farmington, New Mexico.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-1734; Filed, Feb. 27, 1948; 8:53 a. m.]

[Docket No. 8778]

CORTLAND BROADCASTING CO., INC. (WKRT)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Cortland Broadcasting Company, Inc. (WKRT) Cortland, New York, File No. BMP-3173, Docket No. 8778; for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1948;

The Commission having under consideration the above-entitled application for modification of construction permit to increase hours of operation to unlimited, install a directional antenna for night use and change power to 500w, 1kw-LS,

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station WKRT as proposed.

2. To determine the areas and populations which may be expected to gain primary service from the operation of station WKRT as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station WKRT as proposed would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station WKRT as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station WKRT as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with respect to the population to receive primary service.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-1733; Filed, Feb. 27, 1948; 8:52 a. m.]

[Docket No. 8779]

BURLINGTON-GRAHAM BROADCASTING CO. (WFNS)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Burlington-Graham Broadcasting Company (WFNS), Burlington, North Carolina, Docket No. 8779, File No. BP-6194; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of February 1948;

The Commission having under consideration the above-entitled application for a construction permit to increase the hours of operation of Station WFNS, Burlington, North Carolina from daytime only to unlimited time, and to install a directional antenna for night use;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate Station WFNS as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WFNS as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WFNS as proposed would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other

broadcast service to such areas and populations.

5. To determine whether the operation of Station WFNS as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station WFNS as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with respect to the population to receive primary service at night.

7. To determine whether the operation of the proposed station would involve objectionable interference with Station CMJK, Camaguey, Cuba, or with any other foreign station within the meaning of the North American Regional Broadcasting Agreement.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1732; Filed, Feb. 27, 1948; 8:52 a. m.]

KSO AND KSO-FM

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE AND CONSTRUCTION PERMIT [1]

The Commission hereby gives notice that on February 16, 1948 there was filed with it an application (BAL-702) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of KSO and the permit for KSO-FM from Murphy Broadcasting to Tri-State Meredith Broadcasting Company, 800 Paramount Building, Des Moines, Iowa. The proposal to assign the license and permit arises out of a contract of January 3, 1948 as modified January 30, 1948 pursuant to which the stations mentioned and all the properties and equipment applicable thereto would be sold for a purchase price approximating $542,900, which according to the amended contract would be paid in cash on the closing date when the properties would be conveyed. The arrangements are subject to adjustments and certain details and conditions which are set out in the contract and amendment thereto as well as associated papers, all of which are on file with the application at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on February 16, 1948 that starting on said date notice of the filing of the application would be inserted in the "Des Moines Tribune," a newspaper of general circulation at Des Moines, Iowa in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from February 16, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1036; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1740; Filed, Feb. 27, 1948; 8:54 a. m.]

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

WSBC, BENNETTSVILLE, S. C.

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE

Attention is directed to the following error which appeared in the Friday, February 20, 1948, issue of the FEDERAL REGISTER.

At page 787, column 3, the ninth line of the second paragraph of the above entitled document should read: "Columbia Record, a newspaper of general"

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-1741; Filed, Feb. 27, 1948; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1988—California]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR LICENSE

FEBRUARY 24, 1948.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r) that Pacific Gas and Electric Company, of San Francisco, California, has filed application for license for proposed major water-power Project No. 1988 on Kings River, North Fork Kings River, and Helms Creek in Fresno County, California, which would consist of three developments: (1) The Wishon development, consisting of two dams of rock fill with concrete face, namely, (a) the Helms Dam (on Helms Creek) approximately 290 feet high above stream bed and about 940 feet in length along the crest, creating a reservoir with a capacity of 102,500 acre-feet and area of 1,440 acres, and (b) the Wishon Dam (on North Fork of Kings River) approximately 260 feet high and about 3,700 feet in length along the crest, creating a reservoir with capacity of 128,300 acre-feet and area of about 1,000 acres; conduits consisting of tunnels, pipe line, and penstock; a steel and concrete powerhouse, containing a 19,000-horsepower turbine connected to a 15,000-kilovolt-ampere generator; a switch house; a 110-kilovolt transmission line approximately 10 miles long connecting with the existing transmission line at Balch powerhouse; and appurtenant works; (2) The Haas development on North Fork of Kings River, consisting of a concrete arch dam about 60 feet high above stream bed and about 340 feet long, with a small auxiliary gravity dam about 10 feet high and about 150 feet long, creating a reservoir with effective capacity of about 300 acre-feet extending upstream to the toe of the proposed Wishon Dam, a conduit consisting of tunnel and penstock; a steel and concrete powerhouse containing three 50,000-horsepower impulse wheels connected to three 40,000-kilovolt-ampere generators; a switch house; two 230-kilovolt transmission-line circuits extending about 27 miles to Piedra substation; and appurtenant works; and (3) The Kings River development, consisting of an intake structure diverting water from the reservoir formed by the Balch Afterbay Dam on North Fork of Kings River enlarged as proposed in the pending application for amendment of the license for applicant's Project No. 175; a conduit consisting of tunnel, siphon, and penstock; a steel and concrete powerhouse on Kings River about 2 miles downstream from its junction with the North Fork containing a 54,000-horsepower turbine connected to a 45,000-kilovolt-ampere generator, a switch house; a double-circuit 230-kilovolt transmission line approximately 1 mile long connecting with the Haas-Piedra 230-kilovolt line; and appurtenant works.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before April 9, 1948, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-1723; Filed, Feb. 27, 1948; 8:52 a. m.]

[Project No. 175—California]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

FEBRUARY 24, 1948.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r), that Pacific Gas and Electric Company, of San Francisco, California, licensee for major Project No. 175 (Balch) on North Fork Kings River in Fresno County, California, has filed application for amendment of the license to authorize the following changes which it proposes to make in its existing project: Increase the height of the existing Balch Afterbay Dam by 32 feet so that the enlarged concrete arch dam will have a crest length of approximately 250 feet and height above stream bed of about 158 feet; install an additional penstock; enlarge the existing powerhouse and install three additional 40,000-horsepower wheels connected to three 33,000-kilovolt-ampere generators and construct a switch house adjacent thereto; install on the existing Balch-

Sanger transmission line a second circuit extending to Piedra; construct a short 230-kilovolt tie line to the proposed Haas to Piedra substation transmission line; and exclude from the project area certain lands to be included in applicant's proposed Project No. 1988.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before April 9, 1948, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-1727; Filed, Feb. 27, 1948; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 163]

INCREASED EXPRESS RATES AND CHARGES, 1946

At a general session of the Interstate Commerce Comission, held at its office in Washington, D. C., on the 20th day of February A. D. 1948.

It appearing, that a second supplemental petition dated November 25, 1947, was filed by the Railway Express Agency, Inc., proposing a further increase of 10 percent in the following express rates and charges:

(a) First class rates and charges. Second class rates and charges to be 75 percent of first class.

(b) Third class rates.

(c) Commodity rates and charges, carload and less-carload.

(d) Rates and charges stated in the Money Classification.

(e) Refrigeration charges.

(f) C. o. d. service charges.

(g) All specific minimum charges.

It further appearing, that by its order entered December 16, 1947 (12 F R. 8706) the Commission authorized the said Railway Express Agency, Inc., to publish and file with the Commission on statutory notice, by a short form of publication, and subject to protest and possible suspension, an increase of 10 percent in the first-class rates and charges, authorized by the Commission's report of September 23, 1947, the second-class rates and charges to be made 75 percent of such increased rates and charges, (herein enumerated as (a))

It further appearing, that by the said order, the Commission assigned the proceeding for further investigation and hearing with respect to the proposed increase in rates and charges on the items other than first and second class (enumerated as (b) to (g) inclusive) at such times and places to be fixed by it.

It further appearing, that the authorized increased first- and second-class rates and charges on interstate traffic became effective January 22, 1948, and a similar increase on intrastate traffic within 27 States became effective on the same or subsequent dates.

And it further appearing, that by a letter dated February 11, 1948, the said Railway Express Agency, Inc. requests that the portion of said order of December 16, 1947, instituting an investigation with respect to the rates on traffic other than first and second class be vacated and set aside for the reason that the authorized increased first and second class rates now in effect are estimated to yield approximately 86 percent of the additional revenue sought in the second supplemental petition; that the rates on the remaining miscellaneous items are in no manner related to the class rates and charges, and can be better and more expeditiously handled by filing tariffs in the manner provided by section 6 of the Interstate Commerce Act, subject to protest and possible suspension.

It is ordered, That the portion of the said order entered December 16, 1947, instituting an investigation with respect to rates and charges on traffic other than first and second-class, enumerated herein as items (b) to (g) inclusive, be, and it is hereby, vacated and set aside, and that the investigation with respect to those items be, and it is hereby, discontinued.

And it is further ordered, That notice of the vacation be served on all parties of record, and that notice to the general public be given by posting a copy of this order in the office of the Secretary of the Commission, in Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-1729; Filed, Feb. 27, 1948; 8:57 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 53-134, 54-72, 59-9, 59-66]

STANDARD GAS AND ELECTRIC CO. ET AL.

ORDER PERMITTING AMENDED DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of February A. D 1948.

In the matter of Standard Gas and Electric Company, File No. 53-134; in the matter of Standard Power and Light Corporation, Standard Gas and Electric Company, and Subsidiary Companies thereof, Respondents, File No. 59-9; in the matter of Standard Gas and Electric Company, File Nos. 54-72 and 59-66.

The Commission having entered an order pursuant to the Public Utility Holding Company Act of 1935 (the act) on October 30, 1947 (Holding Company Act Release No. 7811) setting for hearing on November 18, 1947 certain matters including the prohibiting of all persons, pending a hearing and further order of the Commission after the hearing, from soliciting, or permitting the use of their names to solicit, by use of the mails or any means or instrumentalities of interstate commerce, or otherwise; any proxy, power of attorney, consent or authorization regarding the voting of any security of Standard Gas and Electric Company (Standard Gas) unless pursuant to a declaration which has become or shall have been permitted by the Commission to become effective; and prohibiting Standard Gas and Standard Power and Light Corporation (Standard Power) and their affiliates from entering into new contracts, relationships or transactions not otherwise unlawful under the act with any company in the same holding company system or with any affiliate of a company in such holding company system or with any person who by reason of any such transactions would become such an affiliate unless (1) there is given at least 10 days' notice to the Commission of intention to enter into new contracts, relationships or transactions, and (2) no notice shall have been given by the Commission within said 10-day period that a declaration should be filed with respect to the proposed transaction or notice shall have been given by the Commission within said 10-day period that no declaration is required, or the Commission shall have permitted a declaration with respect thereto to become effective; and

The Commission having entered an order on November 10, 1947 (Holding Company Act Release No. 7831) pursuant to section 12 (e) of the act requiring that a hearing be held on November 18, 1947 on the declaration filed by Standard Gas in accordance with the Commission's order of October 30, 1947; and

The Commission having entered an order on November 13, 1947 (Holding Company Act Release No. 7841) pursuant to sections 12 (e) and 20 (a) of the act postponing the annual meeting of stockholders of Standard Gas which was scheduled to be held on December 3, 1947 for a period of 30 days with the provision that such period may be extended by order of the Commission if it deemed such extension appropriate and pending further order of the Commission no notice of meeting was to be sent to the stockholders of Standard Gas; and

Hearings having been held after appropriate notice, from November 18, 1947 to December 3, 1947, inclusive, before a hearing officer, with respect to the issues raised by the declaration filed by Standard Gas pursuant to section 12 (e) of the act, requesting authorization to solicit proxies in connection with its annual meeting of stockholders originally scheduled to be held on December 3, 1947; and

The Commission having entered an order dated December 29, 1947 (Holding Company Act Release No. 7963) further postponing the annual meeting of stockholders of Standard Gas until February 4, 1948; and the Commission having entered its order dated February 2, 1948 (13 F R. 561) further postponing the annual meeting of stockholders of Standard Gas to March 11, 1948; an amended declaration having been filed by Standard Gas on February 4, 1948 pursuant to section 12 (e) of the act and the aforesaid order of October 30, 1947; and

A reconvened hearing having been held, after appropriate notice, before a hearing officer, on February 10, 1948; and the Commission having considered the record herein and having this day issued its findings and opinion;

It is ordered, Subject to the condition stated below, that the amended declaration filed by Standard Gas on February

4, 1948 be and the same hereby is permitted to become effective;

It is further ordered, That as a condition to permitting the amended declaration to become effective Standard Gas shall attach to the proxy solicitation material which it sends to the stockholders in connection with the annual meeting of stockholders to be held on March 11, 1948, a copy of the Commission's findings and opinion issued this day;

It is further ordered, That the prohibition restraining the sending of a notice of meeting to the stockholders of Standard Gas contained in the Commission's order of November 13, 1947 (Holding Company Act Release No. 7841) be and the same hereby is vacated;

It is further ordered, That the prohibition contained in the Commission's order of October 30, 1947 (Holding Company Act Release No. 7811) restraining Standard Gas, Standard Power and their affiliates from entering into new contracts, relationships, or transactions, unless notice is given to the Commission, as above set forth, be and the same is hereby vacated without prejudice to its renewal by the Commission if at any time it shall appear to the Commission to be appropriate pursuant to section 12 (f) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-1722; Filed, Feb. 27, 1948; 8:51 a. m.]

[File Nos. 54-97, 59-38, 59-73, 70-1679]

UNITED PUBLIC UTILITIES CORP. ET AL.

ORDER APPROVING PART I OF PLAN AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of February 1948.

In the matter of United Public Utilities Corporation, applicant, File No. 54-97; United Public Utilities Corporation and its subsidiary companies, respondents, File No. 59-73; United Public Utilities Corporation and its subsidiary companies, respondents, Files No. 59-38; The Dayton Power and Light Company, applicant, File No. 70-1679.

The Commission having instituted proceedings under section 11 (b) (1) 11 (b) (2) 15 (f) and 20 (a) of the Public Utility Holding Company Act of 1935 with respect to United Public Utilities Corporation ("UPU") a registered holding company, and its subsidiaries; and said proceedings having been consolidated for the purpose of hearing with those relating to certain plans filed by UPU pursuant to section 11 (e) of said act, including an Amended Plan of Recapitalization, consisting of two plans designated "Plan 1" and "Plan 2";

The Commission and the District Court for the District of Delaware having approved Plan 1 on October 10, 1946 and November 20, 1946, respectively;

UPU having filed, pursuant to section 11 (e) of the act, a "Plan for Divestment of Assets and Related Matters" ("Divestment Plan") which supersedes the earlier Plan 2 and which consists of Part I, Part II and Part III; and Part I proposing the sale to The Dayton Power and Light Company ("Dayton") of all the outstanding securities of UPU's seven subsidiaries operating in Ohio ("Ohio subsidiaries") for a base price of $7,830,000, subject to certain adjustments; and Part II proposing the use of the proceeds from that sale to retire all of UPU's outstanding preferred stocks and to distribute $5 per share to holders of UPU's common stock; and Part III proposing the liquidation of UPU pursuant to a program to be supplied later;

Dayton having filed an application pursuant to sections 9 and 10 of the act regarding the acquisition of the securities of UPU's Ohio subsidiaries;

UPU having requested that the Commission enter an order finding that the transactions proposed in Part I of the plan are necessary or appropriate to effectuate the provisions of section 11 (b) of the act and having requested that the Commission's order approving the plan shall contain the recitals required by sections 371 (f) and 1808 (f) of the Internal Revenue Code;

UPU having further requested that the Commission give early consideration to Part I of the Divestment Plan, that the sale of securities proposed in such Part I be exempted from the competitive bidding requirements of Rule U-50, and that the Commission apply to a competent court for an order approving and enforcing Part I;

The Commission having been requested to provide that its order approving Part I of the Divestment Plan and granting the application of Dayton become effective forthwith;

The Divestment Plan of UPU having been consolidated for purpose of hearing with proceedings heretofore pending under sections 11 (b) (1) 11 (b) (2) 11 (e) 15 (f) and 20 (a) with respect to UPU and with the instant proceeding relating to Dayton's application;

Public hearings having been held in the consolidated proceedings after appropriate notice thereof and the Commission having considered the record and having issued its findings and opinion, and having found that Part I of the Divestment Plan is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby, and having further found that the application of Dayton should be granted;

It is ordered, Pursuant to the applicable provisions of the act, that the application of Dayton be, and the same hereby is, granted, subject to the terms and conditions specified in Rule U-24.

It is further ordered, Pursuant to the applicable provisions of the act, that Part I of the Divestment Plan be, and the same hereby is approved, subject to the terms and conditions specified in Rule U-24 and to the following reservations of jurisdiction: (a) To approve, disapprove, modify, allocate, or award all fees and expenses to be paid in connection with Part I; (b) to take such action as the Commission may deem necessary or appropriate in connection with Part I, Part II, and Part III of the Divestment Plan and to secure compliance by UPU and its subsidiaries with sections 11 (b) (1) 11 (b) (2) 15 (f) and 20 (a) of the act; and (c) to decide all questions relating to UPU and its subsidiaries in the consolidated proceedings not herein decided.

It is further ordered, That this order shall not be operative to authorize any of the transactions proposed in Part I of the Divestment Plan nor the consummation of such transactions in any respect until an appropriate District Court of the United States shall have entered an order enforcing said Part I pursuant to an application duly made by the Commission for that purpose, and that this order shall become effective immediately upon the entry of an order by an appropriate District Court of the United States approving and enforcing said Part I.

It is further ordered, That the proposed sale of securities be, and the same hereby are, exempted from the competitive bidding requirements of Rule U-50.

It is further ordered and recited, That the sale and transfer by UPU to Dayton of the securities listed below are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

The securities to be sold and transferred as above are:

	Principal amount or par value
1. The Bradford & Gettysburg Electric Light & Power Co..	
6% Note, dated July 15, 1937, matured Jan. 1, 1945	$15,613.79
6% Note, dated Sept. 19, 1938, matured Jan. 1, 1945	14,445.32
Capital stock, $100 par value, 220 shares	22,000.00
2. The Brookville & Lewisburgh Lighting Co..	
6% note, dated May 1, 1935, matured Jan. 1, 1945	6,604.37
Capital stock:	
$100 par value, 194 shares	19,400.00
$50 par value, 39 shares, paid in at and stated at $100 each	3,900.00
3. The Buckeye Light & Power Co..	
6% note, dated May 1, 1935, matured Jan. 1, 1945	34,033.54
6% note, dated May 1, 1935, matured Jan. 1, 1945	60,000.00
6% note, dated Sept. 23, 1937, matured Jan. 1, 1945	53,503.93
6% note, dated Nov. 1, 1937, matured Jan. 1, 1945	50,000.00
6% note, dated May 15, 1943, matured Jan 1, 1945	76,500.00
Capital stock, $100 par value, 1,716 shares	171,600.00
4. The Eaton Lighting Co..	
Capital stock, $100 par value, 741 shares	74,100.00
5. The Greenville Electric Light & Power Co..	
7% demand note, dated April 27, 1928	179,800.00
7% demand note, dated Jan. 6, 1931	7,800.00
7% demand note, dated April 25, 1931	20,000.00
7% demand note, dated Sept. 25, 1931	80,000.00
7% demand note, dated Dec. 28, 1931	38,200.00
6% demand note, dated Dec. 27, 1927	26,765.64
6% demand note, dated April 16, 1923	52,765.62
6% demand note, dated June 15, 1923	40,221.20
6% demand note, dated Sept. 27, 1923	20,053.79

	Principal amount or par value
5. The Greenville Electric Light & Power Co.—Continued	
6% demand note, dated Dec. 15, 1928	$1,556.02
6% demand note, dated Mar. 1, 1929	5,522.95
6% demand note, dated July 1, 1929	13,786.90
6% demand note, dated Nov. 1, 1929	13,860.83
Capital stock, $10 par value, 24,660 shares	246,600.00
6. The New Madison Lighting Co.. Capital stock, $100 par value, 57 shares	5,700.00
7. Western Ohio Public Service Co..	
6% 20 year 1st mortgage, series A, gold bonds, dated July 1, 1926, matured June 1, 1946	325,000.00
6% cumulative first preferred stock $100 par value, 1,750 shares (accumulated dividends paid to June 30, 1930)	175,000.00
Capital stock, $100 par value, 2,000 shares	200,000.00

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-1723; Filed, Feb. 27, 1948; 8:51 a. m.]

[File No. 70-1735]

AMERICAN POWER AND LIGHT CO., ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of February A. D. 1948.

In the matter of American Power & Light Company, Minnesota Power & Light Company, Superior Water, Light and Power Company, File No. 70-1735.

Notice is hereby given that American Power & Light Company ("American") a registered holding company subsidiary of Electric Bond and Share Company ("Bond and Share") also a registered holding company, American's registered holding company and utility subsidiary, Minnesota Power & Light Company ("Minnesota") and the latter's utility subsidiary Superior Water, Light and Power Company ("Superior") have filed an amendment to the application-declaration heretofore filed pursuant to the Public Utility Holding Company Act of 1935. Said amendment designates section 12 (f) of the act and Rule U-45 of the rules and regulations promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

On February 3, 1948, Minnesota filed an application-declaration in this proceeding relating to its proposed sale of 100,000 shares of common stock without nominal or par value. Pursuant to the provisions of the act said matter was set down for hearing on February 17, 1948, by order of the Commission dated February 5, 1948. On February 17, 1948 the amendment which is the subject of this notice was filed by Minnesota, American, and Superior proposing the settlement of certain claims between American and Superior, and Minnesota and American prior to the proposed sale of the common stock.

American has entered into an agreement with Bond and Share whereby the claims asserted in certain stockholders' derivative actions against Bond and Share are to be compromised and settled. Said agreement along with agreements of the subsidiaries of American including Minnesota and Superior were filed as part of a plan for the retirement of the preferred stocks of American (File No. 54-149) American has requested that consideration of said plan be suspended and has in effect requested the withdrawal of that plan since it is considering the submission of a new plan for the retirement of its preferred stocks.

Minnesota contemplates the issuance and sale of 100,000 shares of common stock to the public. American is the present holder of all the common stock of Minnesota, and Minnesota and Superior propose that prior to such sale the outstanding claims be assigned as more fully described below.

It is proposed that concurrently with or prior to the sale by Minnesota of 100,000 shares of common stock and pursuant to agreements between American and Minnesota and American and Superior, American will pay to Minnesota as a capital contribution the sum of $43,653 and American will pay to Superior as a capital contribution the sum of $9,153, and Minnesota and Superior will concurrently deliver to American (a) instruments evidencing the release and discharge of American and its security holders as such from any and all claims, demands, or liabilities against American or its security holders as such in favor of Minnesota and Superior or any of their predecessor companies or former subsidiaries in any way related to, arising out of, or involving, the organization, conduct or management of, or transactions with, American or its present subsidiaries, including Minnesota and Superior, or their predecessors, and (b) instruments evidencing the assignment and transfer to American of any and all claims, demands or liabilities against Bond and Share, or its wholly owned subsidiaries or their respective security holders as such, in favor of Minnesota or Superior or any of their predecessor companies or former subsidiaries in any way relating to, arising out of, or involving, the organization, conduct or management of, or transactions with, American or its present subsidiaries, including Minnesota and Superior or their predecessors.

The application-declaration requests that an order be issued herein at the earliest possible date in order that the proposed transactions can be consummated prior to the sale of Minnesota's common stock.

Notice is further given that any interested person may, not later than March 1, 1948, at 5:00 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said amendment to the application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 1, 1948 at 5:00 p. m., e. s. t., said amendment to the application-declaration as filed or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under said Act, or the Commission may exempt such transactions as provided in Rule 20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-1724; Filed, Feb. 27, 1948; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 926; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10646]

YOKOHAMA SPECIE BANK, LTD.

In re: Bank account owned by Japan. F-39-599-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: That certain debt or other obligation of The Yokohama Specie Bank, Limited, Honolulu Office, P O. Box 1200, Honolulu, T. H., arising out of a checking account, entitled Nagao Kita, Special Account (N. Y. K. A/C) evidenced by Receiver's Liability Number 71, in the amount of $19,466.52, as of December 31, 1945, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-1750; Filed, Feb. 27, 1948; 8:55 a. m.]